

***United States Court of Appeals  
for the Second Circuit***



**APPENDIX**





original  
**74-1138**

B  
Page 5

---

In The  
**United States Court of Appeals**  
For The Second Circuit

---

UNITED STATES OF AMERICA,

*Appellee.*

vs.

THOMAS JOSEPH CARROLL, VINCENT McCLOSKEY and  
WILLIAM McCLOSKEY,

*Appellants.*

---

**APPELLANTS' APPENDIX**

Volume 111, pp. 601a - 900a

---

JOHN F. MARTIN  
*Attorney for Appellants*  
342 Madison Avenue  
New York, New York 10017  
279-6995



(6970)

**LUTZ APPELLATE PRINTERS, INC.**  
Law and Financial Printing

South River, N.J. New York, N.Y. Philadelphia, Pa. Washington, D.C.  
(201) 257-6850 (212) 565-6377 (215) 563-5587 (202) 783-7288

**PAGINATION AS IN ORIGINAL COPY**

## TABLE OF CONTENTS

	<i>Page</i>
Certified Copies of Docket Entries (Filed February 13, 1974) . . . . .	1a
Indictment (Filed September 11, 1973) . . . . .	35a
Order Committing Defendant (Filed September 18, 1973) . . . . .	46a
Report of Dr. Abrahamsen (Filed September 17, 1973)	48a
Report of Dr. Portnow (Filed September 17, 1973) . .	50a
C.J.A. 20 Form Appointment (Filed September 24, 1973) . . . . .	51a
C.J.A. 21 Form Authorizing Minutes (Filed October 11, 1973) . . . . .	52a
Memorandum of Law re Inspection of Grand Jury Minutes and to Dismiss Indictment (Filed October 30, 1973) . . . . .	53a
Opinion re Wiretaps (Filed October 16, 1973) . . . . .	60a
Notice of Motion and Affirmation for Inspection of Grand Jury Minutes (Filed October 30, 1973) . . .	63a
Government Affidavit in Opposition (Filed November 7, 1973) . . . . .	69a

*Contents*

	<i>Page</i>
Opinion Denying Inspection of Grand Jury Minutes (Filed November 7, 1973) . . . . .	71a
Opinion Finding Government Not Required to Turn Over Wiretap Records to Defendants (Filed November 7, 1973) . . . . .	74a
Consent Order to Extend Bail Limits (Filed November 21, 1973) . . . . .	77a
Letter and Psychiatric Report (Filed November 30, 1973) . . . . .	80a
Government Affidavit for W/H/C (Filed November 30, 1973) . . . . .	84a
Motion to Act as Co-Counsel (Filed December 6, 1973) .	86a
Motion for Order Severing Defendant and Permitting Plea to Indictment with Endorsement Dated December 22, 1973 by Judge Metzner Attached (Filed December 7, 1973) . . . . .	87a
Notice of Motion for Order Adjourning Trial, Etc. (Filed December 7, 1973) . . . . .	90a
Notice of Motion for Judgment of Acquittal with Endorsement December 11, 1973 Judge Metzner Back of Page 6 (Filed December 10, 1973) . . . . .	101a
C.J.A. 21 — Authorizing Daily Minutes (Filed December 12, 1973) . . . . .	134a

*Contents*

	<i>Page</i>
C.J.A. 21 — Authorizing Daily Minutes (Filed December 12, 1973) . . . . .	135a
Government Supplemental Bill of Particulars (Filed December 11, 1973) . . . . .	136a
Order, Application and Exhibits Compelling Chester Crawford to Testify (Filed December 11, 1973) . .	138a
Copy of Letter from Law Clerk to Attorney for Defendant with Enclosure (Filed December 12, 1973) . . . . .	145a
Letter from Defendant to Court (Filed December 12, 1973) . . . . .	149a
Notice of Motion to Exclude Evidence and Exhibits and Note of Court (Filed December 12, 1973) . . . . .	151a
Order, Application and Exhibits Compelling Paul Crawford to Testify (Filed December 14, 1973) . .	162a
Order, Application and Exhibits Compelling Geoffrey Mann to Testify (Filed December 14, 1973) . . . . .	169a
Order, Application and Exhibits Compelling Terrence Myers to Testify (Filed December 13, 1973) . . . . .	176a
Government Supplemental Bill of Particulars (Filed December 19, 1973) . . . . .	183a

## Contents

	<i>Page</i>
Affidavit in Support H/C Writ and Endorsements (Filed December 17, 1973) . . . . .	185a
Order, Application and Exhibits Compelling John Turner to Testify (Filed December 21, 1973) . . . .	186a
Alternate Request to Charge (Filed December 22, 1973) . . . . .	193a
Requests to Charge (Filed December 22, 1973) . . . . .	194a
Government Supplemental Request to Charge (Filed December 22, 1973) . . . . .	237a
Affidavit and Exhibits by Government in Opposition to Multiple Motions (Filed December 26, 1973) . . . .	241a
Letter from Attorney to Judge Metzner and Enclosure (Filed December 28, 1973) . . . . .	248a
C.J.A. 20 re Appointment of Attorney (Filed December 28, 1973) . . . . .	252a
Letter from Attorney to Judge Metzner and Enclosure (Filed December 28, 1973) . . . . .	253a
Judgment (Filed January 8, 1974) . . . . .	258a
Judgment (Filed January 8, 1974) . . . . .	259a
Judgment (Filed January 8, 1974) . . . . .	260a

## Contents

	<i>Page</i>
Judgment (Filed January 8, 1974) . . . . .	261a
W/H/C History and Endorsement (Filed January 22, 1974) . . . . .	262a
Copy of Judgment (Filed January 22, 1974) . . . . .	263a
Copy of Judgment (Filed January 22, 1974) . . . . .	264a
Copy of Judgment (Filed January 22, 1974) . . . . .	265a
Application to Proceed as Poor Person With Endorsement and Financial Affidavit (Filed February 11, 1974) . . . . .	266a
Stipulation by U.S. Attorney and Defense Attorneys Including Four Dockets for Record on Appeal and Stipulation to the Submission of all Exhibits Used During Trial on Appeal (Filed February 11, 1974) .	268a
Notice of Appeal (Filed January 25, 1974) . . . . .	269a
Notice of Motion for Multiple Relief Dated January 22, 1974 — Memo Endorsed Dated January 25, 1974 Judge Metzner (Filed January 23, 1974) . . . . .	270a
Notice of Appeal (Filed January 25, 1974) . . . . .	291a
Judgment and Commitment (Filed January 25, 1974) .	292a
Judgment and Commitment (Filed January 25, 1974) .	293a

*Contents*

	<i>Page</i>
Indictment and Exhibits Attached (Filed June 14, 1973) . . . . .	2257a
Order Denying Motion to Reduce Bail (Filed June 20, 1973) . . . . .	2262a
Government Affidavit for W/H/C (Filed June 20, 1973)	2264a
Remand — Magistrate Wyatt (Filed July 3, 1973) . . . .	2266a
Remand — Magistrate Wyatt (Filed July 3, 1973) . . . .	2267a
Remand — Magistrate Wyatt (Filed July 3, 1973) . . . .	2268a
Letter of Transmittal from District of Columbia (Filed July 3, 1973) . . . . .	2269a
C.J.A. 20 (Filed July 19, 1973) . . . . .	2270a
Motion on Behalf of Defendant with Memo Endorsed (Filed August 6, 1973) . . . . .	2271a
Indictment (Filed June 19, 1973) . . . . .	2272a
C.J.A. (Filed June 21, 1973) . . . . .	2277a
C.J.A. (Filed June 26, 1973) . . . . .	2278a
C.J.A. (Filed June 26, 1973) . . . . .	2279a
C.J.A. 20 (Filed June 26, 1973) . . . . .	2280a



## Contents

	<i>Page</i>
Opinion Judge Metzner Dated January 25, 1974 re Motion to Set Aside, etc. with Notice of Motion and Supporting Documents (Filed January 28, 1974) .	294a
Transcript of Proceedings Dated September 21, 1973 (Filed January 28, 1974) . . . . .	305a
Transcript of Proceedings Dated December 10, 11, 12, 13, 14, 1973 (Filed January 24, 1974) . . . . .	324a
Transcript of Proceedings Dated December 17, 18, 19, 1973 (Filed January 24, 1974) . . . . .	1092a
Transcript of Proceedings Dated December 20, 21, 24, 26 (Filed January 24, 1974) . . . . .	1814a
Requests to Charge . . . . .	2012a
Motions . . . . .	2021a
Summation — Mr. Hopper . . . . .	2030a
Summation — Mr. Hafetz . . . . .	2047a
Summation — Mr. Martin . . . . .	2068a
Charge of the Court . . . . .	2172a
Verdict . . . . .	2251a

## Contents

	<i>Page</i>
Notice of Appearance of Attorney (Filed July 3, 1973)	2281a
Notice of Motion for Discovery and Inspection etc. Affidavits and Document; Memo Order Attached Dated August 6, 1973 Judge Metzner (July 11, 1973) . . . . .	2282a
Motion for Discovery and Inspection, etc., Memo Order Attached Dated March 6, 1973 Judge Metzner (Filed July 16, 1973) . . . . .	2293a
Warrant of Removal (Filed July 3, 1973) . . . . .	2304a
Warrant of Removal (Filed July 3, 1973) . . . . .	2305a
Notice of Motion to Suppress and Exhibits; Memo Order Attached Dated August 6, 1973 Judge Metzner (Filed July 17, 1973) . . . . .	2306a
Motion for Discovery and Inspection; Memo Order Attached Dated August 6, 1973 Judge Metzner (Filed July 27, 1973) . . . . .	2315a
Pretrial Motions; Memo Order Attached Dated August 6, 1973 Judge Metzner (Filed July 27, 1973) . . . .	2318a
Motion for Bill of Particulars and Exhibits; Memo Order Attached Dated August 6, 1973 Judge Metzner (Filed July 27, 1973) . . . . .	2324a
C.J.A. 21 — Investigator (Filed July 23, 1973) . . . . .	2334a

*Contents*

	<i>Page</i>
Memorandum of Law in Support of Motion for Discovery and Inspection (Filed July 23, 1973) . .	2335a
Warrant of Removal (Filed July 23, 1973) . . . . .	2342a
Memo of Court Dated August 8, 1973 re Names of Witnesses (Filed August 8, 1973) . . . . .	2343a
Motion for Copies of Indictment etc.; Memo Order Endorsed September 13, 1973 (Filed August 15, 1973) . . . . .	2344a
Government Affidavit and Exhibits in Opposition to Pretrial Motions of Defendants (Filed August 6, 1973) . . . . .	2350a
Order Substituting Attorneys (Filed August 7, 1973) .	2382a
Order Denying Reduction of Bail by Circuit Court of Appeals (Filed July 27, 1973) . . . . .	2386a
Notice of Motion for Names of Witnesses; Memo Endorsed September 13, 1973 Judge Metzner (Filed August 20, 1973) . . . . .	2387a
Government's Affidavit Regarding Brady (Filed August 24, 1973) . . . . .	2394a
Government Affidavit and Exhibits re Surveillance (Filed September 4, 1973) . . . . .	2397a

## Contents

	<i>Page</i>
Notice of Motion Providing for Names of Witnesses Exhibits; Memo Endorsed Dated September 13, 1973 Judge Metzner (Filed September 5, 1973) . .	2402a
Government Memorandum of Law in Opposition to Defendants Pretrial Motion (Filed September 6, 1973) . . . . .	2408a
Government Affidavit in Opposition to Discovery and Inspection (Filed September 10, 1973) . . . . .	2419a
Notice of Motion for Order Directing Mental Incompetency Hearing; Memo Endorsed September 6, 1973 Judge Metzner (Filed September 7, 1973) .	2422a
Order Appointing Dr. Abrahamsen to Examine Defendant (Filed September 6, 1973) . . . . .	2426a
Order Permitting Dr. Portnow to Examine Defendant (Filed September 12, 1973) . . . . .	2428a
Government Affidavit W/H/C (Filed September 6, 1973) . . . . .	2431a
W/H/C With Satisfaction Endorsed September 17, 1973 (Filed September 6, 1973) . . . . .	2433a
Government Request to Charge with Supplemental Attached (Filed December 27, 1973) . . . . .	2435a
Request to Charge (Filed December 27, 1973) . . . . .	2487a

## Contents

	<i>Page</i>
Remand (Filed January 8, 1974) . . . . .	2494a
Remand (Filed January 22, 1974) . . . . .	2495a
Remand (Filed January 22, 1974) . . . . .	2496a
Remand (Filed January 22, 1974) . . . . .	2497a
Remand (Filed January 22, 1974) . . . . .	2498a
Affirmation of Attorney re Fee (Filed January 24, 1974) . . . . .	2499a
Indictment — Original With History and Memos (Filed October 17, 1973) . . . . .	2504a
Judgment (Filed January 10, 1974) . . . . .	2511a
Order Dated January 16, 1973 Denying Application to Reduce Sentence and Application Letter by Defendant (Filed January 16, 1974) . . . . .	2512a
Judgment and Commitment and Return (Filed January 22, 1974) . . . . .	2515a
Notice of Motion for Judgment of Acquittal; Memo Order Endorsed January 25, 1973 Judge Metzner (Filed January 23, 1974) . . . . .	2516a
Affirmation by Attorney (Filed January 24, 1974) . . .	2521a

*Contents*

	<i>Page</i>
Judgment and Commitment (Filed January 28, 1974) .	2528a
Remand (Filed February 6, 1974) . . . . .	2529a
Judgment and Commitment and Return (Filed February 6, 1974) . . . . .	2530a
Notice of Appeal (Filed January 25, 1974) . . . . .	2531a

GOVERNMENT EXHIBITS IN EVIDENCE ON TRIAL

Exhibit No.

2 — Map . . . . .	2532 a
3A — Employment Record William Hickey . . . . .	2533a
5 — Medical Examiner's Report William Hickey . . . . .	2537a
8 — Motel Registration Card . . . . .	2549a
9 — Motel Registration Card . . . . .	2550a
10 — Motel Registration Card . . . . .	2551a
11 — Motel Registration Card . . . . .	2552a
12 — Motel Registration Card . . . . .	2553a
15 — Motel Registration Card . . . . .	2554a
16 - Motel Registration Card . . . . .	2555a

Contents

	<i>Page</i>
17 -- Motel Registration Card . . . . .	2556a
18 -- Corporate Resolution for Meadowlands Bank . . .	2557a
19 -- Corporation Signature Card . . . . .	2558a
20 -- Photostatic Copies of Three Checks -- Front and Back . . . . .	2559a
21 -- Bank Resolution Plaza National Bank . . . . .	2561a
22 -- Signature Card National Bank of Secaucus . . . .	2562a
23 -- Photostatic Copy of Cancelled Check for Cash -- Front and Back . . . . .	2564a
24 -- Bank Statement Plaza National Bank . . . . .	2565a
26 -- Telephone List Maria Vasquez . . . . .	2566a
27 -- Telephone Toll Charges Calling No. 276-6220 . .	2567a
28 -- Telephone Toll Charges Calling No. 201-863-8847	2571a
29A -- Telephone Toll Charges Calling No. 201-863-8847 . . . . .	2572a
29B -- Telephone Toll Charges Calling No. 201-863-8847 . . . . .	2576a
29C -- Telephone Toll Charges Calling No. 201-863-8847 . . . . .	2581a



## Contents

	<i>Page</i>
30 -- Police Blotter Entry Step Van . . . . .	2584a
31 -- Telephone Tolls - Calling No. 202-829-7657 . . . .	2585a
32 -- Car Rental Records Eileen Holder . . . . .	2587a
33 -- Jim's Auto Body Service . . . . .	2590a
34 -- Palisade Towing Corp. . . . .	2591a
35 -- Records from General Post Office and Federal Reserve Bank re Registered Mail . . . . .	2592a
36 -- Items of Registered Mail . . . . .	2598a
37 -- List of Registered Mail from Brokers and Processing Service . . . . .	2599a
38 -- List of Registered Mail . . . . .	2607a
39 -- List of Registered Mail . . . . .	2612a
40 -- List of Registered Mail . . . . .	2623a
41 -- List of Registered Mail . . . . .	2630a

## DEFENDANTS' EXHIBITS IN EVIDENCE ON TRIAL

A -- Original and Copy of U.S. Attorney's Letter re Chester Crawford . . . . .	2643a
---	-------



*Contents*

	<i>Page</i>
D — U.S. Attorney's Letter re Myers' Plea . . . . .	2647a
E — Photograph of Beekman and William Street Vicinity .	2649a
E-1 — Photograph of Beekman and William Street Vicinity . . . . .	2650a
E-2 — Photograph of Beekman and William Street Vicinity . . . . .	2651a
E-3 — Photograph of Beekman and William Street Vicinity . . . . .	2652a
E-5 — Photograph of Beekman and William Street Vicinity . . . . .	2653a
E-7 — Photograph of Beekman and William Street Vicinity . . . . .	2654a
F — Gun Flyer . . . . .	2655a
H — Recognizance New Jersey Court Witness Mann . .	2656a
I — Arrest Record Geoffrey Mann . . . . .	2657a
J — U.S. Attorney Letter re Mann Plea . . . . .	2658a
Transcript of Proceedings Dated June 19, 1973 (Filed January 15, 1974) . . . . .	2660a
Transcript of Proceedings Dated June 25, 1973 (Filed January 10, 1974) . . . . .	2667a

## Contents

	<i>Page</i>
Transcript of Proceedings Dated June 20, 1973 (Filed January 15, 1974) . . . . .	2694a
Transcript of Proceedings Dated September 5, 1973 (Filed January 10, 1974) . . . . .	2699a
Transcript of Proceedings Dated August 6, 1973 (Filed January 10, 1974) . . . . .	2705a
Transcript of Proceedings Dated September 12, 1973 (Filed January 10, 1974) . . . . .	2740a
Transcript of Proceedings Dated December 4, 1973 (Filed January 10, 1974) . . . . .	2756a
Transcript of Proceedings Dated December 8, 1973 (Filed January 10, 1974) . . . . .	2760a
Transcript of Proceedings Dated September 17, 1973 (Filed February 14, 1974) . . . . .	2806a
Transcript of Proceedings Dated November 7, 1973 (Filed February 14, 1974) . . . . .	2863a
Transcript of Proceedings Dated November 13, 1973 (Filed February 14, 1974) . . . . .	2885a
Transcript of Proceedings Dated November 19, 20, 27, 1973 (Filed February 14, 1974) . . . . .	2889a
Transcript of Proceedings Dated December 3, 1973 (Filed February 14, 1974) . . . . .	2926a

*Contents*

	<i>Page</i>
Transcript of Proceedings Dated January 25, 1974 (Filed February 14, 1974) . . . . .	2933a
Transcript of Proceedings Dated January 8, 1974 (Filed February 19, 1974) . . . . .	2970a
Order of Commitment Dated September 17, 1973 and Returns (Filed January 8, 1974) . . . . .	3021a
Letter from Judge Metzner Dated November 23, 1973 .	3023a
Complaint against William McCloskey . . . . .	3024a
73 CR 583 Indictment (Filed June 14, 1973) . . . . .	3026a
73 CR 606 Indictment (Filed June 19, 1973) . . . . .	3031a
73 CR 855 Indictment (Filed September 11, 1973) . .	3036a
Requests to Charge by Vincent McCloskey . . . . .	3047a
Letter from John F. Martin Dated December 7, 1973 .	3084a
Affidavit by Government Dated November 14, 1973 . .	3086a
Motion for Mistrial or Severance . . . . .	3088a
Stipulation Between Government and Attorneys for Defendant Dated February 20, 1974 Designating Documents and Exhibit to be Transmitted to U.S.C.A. (Filed February 20, 1974) . . . . .	3089a

Contents

Page

WITNESSES

Crawford Lawrence:	
Direct . . . . .	372a
Cross . . . . .	390a
Redirect . . . . .	427a
Nicholas Parra:	
Direct . . . . .	430a
Donald Greene:	
Direct . . . . .	445a
Cross . . . . .	447a
Frances Elvenene Souvenir:	
Direct . . . . .	453a
Patrick J. Corcoran:	
Direct . . . . .	455a
Cross . . . . .	459a
Emile Tibere:	
Direct . . . . .	464a
Cross . . . . .	478a
Chester Crawford:	
Direct . . . . .	530a
Cross . . . . .	610a, 704a
Redirect . . . . .	722a
Carlton Boyd:	
Direct . . . . .	736a

## Contents

	<i>Page</i>
<b>Geoffrey M. Mann:</b>	
Direct . . . . .	1058a, 1249a, 1348a
Cross . . . . .	1469a, 1599a
Redirect . . . . .	1692a
<b>Paul Crawford:</b>	
Direct . . . . .	756a
Cross . . . . .	783a
<b>Terrence D. Myers:</b>	
Direct . . . . .	877a, 911a
Cross . . . . .	984a, 1062a, 1098a
Redirect . . . . .	1204a
<b>Gerald Dexter:</b>	
Direct . . . . .	1219a, 2742a
Cross . . . . .	1227a, 2746a
Redirect . . . . .	1244a
Recross . . . . .	1245a
<b>Rocco DiGiorgio:</b>	
Direct . . . . .	1311a
Cross . . . . .	1317a
<b>Cecelia Duda:</b>	
Direct . . . . .	1325a
Cross . . . . .	1333a
<b>Ruth Dunning:</b>	
Direct . . . . .	1339a
Cross . . . . .	1346a

*Contents*

	<i>Page</i>
<b>James Hand:</b>	
Direct . . . . .	1393a
Cross . . . . .	1397a
<b>Gilbert Snowden:</b>	
Direct . . . . .	1403a
Cross . . . . .	1407a
<b>Peter Cafasso:</b>	
Direct . . . . .	1413a
Cross . . . . .	1426a
<b>Julius Herman Helvey:</b>	
Direct . . . . .	1433a
Cross . . . . .	1435a
<b>Joan Dietrich:</b>	
Direct . . . . .	1437a
Cross . . . . .	1455a
Redirect . . . . .	1466a
Recross . . . . .	1466a
<b>Louis Prettitore:</b>	
Direct . . . . .	1561a
Cross . . . . .	1565a
<b>Anthony Sagliano:</b>	
Direct . . . . .	1567a
Cross . . . . .	1575a
Redirect . . . . .	1581a
Recross . . . . .	1583a

## Contents

	<i>Page</i>
Vincent Del Principe:	
Direct . . . . .	1584a
Donald Scott Kennerson:	
Direct . . . . .	1591a
Cross . . . . .	1597a
Michael F. Wall:	
Direct . . . . .	1695a
Cross . . . . .	1698a
John Joseph Turner:	
Direct . . . . .	318a, 1704a
Cross . . . . .	1819a, 1890a
Redirect . . . . .	1935a
Jerrold Schwartz:	
Direct . . . . .	1816a
Cross . . . . .	1818a
Alexander Baktis:	
Direct . . . . .	1887a
Cross . . . . .	1889a
Kenneth J. Kievit:	
Direct . . . . .	1942a
Cross . . . . .	1971a
Redirect . . . . .	1981a
Recross . . . . .	1981a



AFTERNOON SESSION

2:15 p.m.

(In open court; jury not present.)

THE COURT: Yes, Mr. Kenney.

MR. KENNEY: Your Honor, we have called two cases to the Court's attention.

THE COURT: I have read both of them.

MR. KENNEY: And we submit that the telephone calls between Chester Crawford and the defendant Carroll and Chester Crawford --

THE COURT: Go ahead, Mr. Kenney.

MR. KENNEY: -- the telephone calls between Crawford and Carroll and Chester Crawford and Myers in Washington, after April 6th, and in fact running on until as late as the beginning of May, are evidence that these men knew one another, that there was a relationship between them, and there is evidence of the existence of this conspiracy and of the identity of Carroll as one of the co-conspirators and we had hoped to elicit from Mr. Crawford in his direct examination that he did make calls after the crime was committed, when the final attempt was made, to Wall's Tavern and to Washington, that there was a relationship between those calls.

THE COURT: What specifically are you going to



ask Mr. Crawford?

MR. KENNEY: We are going to ask Mr. Crawford, after April 5th, if he saw Myers and if he talked to Myers, and how he talked to him, and if he saw Carroll, and did he talk to Carroll, and we'd like to ask him in what way he used Maria Vasquez' phone. The answer to that question, we submit, will be that he used it also to get messages, and that he would get these messages and then call back.

Now, we also intended to submit through the telephone companies the bills of these various phones corroborating that these calls were made.

THE COURT: If that is all you are going to do, I think that is permissible under the cases, but you cannot ask any questions regarding conversations that he might have had with these people.

MR. KENNEY: We don't intend to do that, your Honor.

We were also --

THE COURT: Go ahead, Mr. Kenney. I'm sorry.

MR. KENNEY: If your Honor had ruled otherwise, we had intended to request the Court's permission to reopen direct solely for the purpose of asking Chester Crawford if he knows Mr. Rippey or can identify him, so

1 MR. DIRENZO: That is not the point I am making  
2 now.

3 THE COURT: Go ahead.

4 MR. DIRENZO: In addition to that, I would like  
5 a representation from the Government that the place of  
6 the call, or the particular number, is one that is  
7 identifiable to a given defendant. In addition to that,  
8 if it's from a bar or public place, again I would urge  
9 that as an additional objection.  
10

11 THE COURT: If it's on Wall's bar -- is that  
12 it?

13 MR. KENNEY: Wall's Tavern.

14 THE COURT: Wall's Tavern.

15 -- I will let it in, because there's been  
16 sufficient in the evidence already to justify it coming  
17 in.

18 How do you spell that?

19 MR. KENNEY: The name of the tavern is Wall's,  
20 W-a-l-l-apostrophe-s. The name of the man is Wall, W-a-l-l,  
21 and he calls it Wall's Tavern, apostrophe"s."

22 THE COURT: All right.

23 MR. MARTIN: Your Honor, our earlier objection  
24 still stands.

25 MR. DIRENZO: His Honor said that.

we'd ask permission to ask that question, or one or two questions on that point, as well.

THE COURT: He's identified Mr. Rippey from the stand.

MR. KENNEY: I think he said Mr. Rippey, but I don't believe he's actually been asked to identify him in the courtroom.

THE COURT: Mr. Hafetz?

MR. HAFETZ: I would object to the reopening of the direct for that purpose.

THE COURT: That will be denied, obviously.

My question to you, Mr. Hafetz, has he already identified Mr. Rippey on direct? My recollection is that he has.

MR. HAFETZ: I don't believe -- I'm not certain, Judge.

THE COURT: You are not certain.

All right, you may ask that question.

MR. KENNEY: Thank you, Judge.

THE COURT: Now, I am prepared to grant the Government's motion on the telephone calls to the point of identifying the fact of the call.

I assume you have an objection on the record prior to lunch.

1  
2  
3 THE COURT: It certainly does.

4 MR. DIRENZO: The point I make is the call is  
5 absolutely unrelated to a named defendant. In other  
6 words, it would just be a record of a call, assuming  
7 that the record is admissible.

8 THE COURT: I assume he is going to ask did he  
9 speak to Mr. Carroll, did he speak to Terry, or whatever  
10 the other names are. You are going to identify that,  
11 aren't you?

12 MR. KENNEY: Yes, your Honor.

13 MR. DIRENZO: I see.

14 THE COURT: On the basis of United States v.  
15 Costello, 352 F.2nd 848, at 854, and United States v.  
16 Marques, 424 F.2nd 236, at 238, I will grant the  
17 Government's motion.

18 MR. HOPPER: Your Honor, may I make a further  
19 somewhat different objection?

20 THE COURT: Yes.

21 MR. HOPPER: Number one, I don't know the method  
22 in which the Government obtained these records, whether  
23 or not there might have been invasion of privacy.

24 THE COURT: What records?

25 MR. HOPPER: Well, I assume that, if I under-  
stand what Mr. Kenney is saying, through the telephone



company, records of various individuals were examined.

Now, if I am in error on that, I will withdraw the objection.

THE COURT: They come from the telephone company.

MR. KENNEY: These are records of the telephone company.

THE COURT: Telephone company.

MR. HOPPER: Yes, but they relate to private individuals.

THE COURT: So what?

MR. HOPPER: Well, I think if --

THE COURT: They're public records, subpoenaable by the Government. Where could there be any illegal search and seizure on that, Mr. Hopper?

MR. HOPPER: Well, I think a customer of a telephone company has a personal, private right to the security of his own telephone bills and the phone calls on those bills, and if the Government examined without the permission of that person --

THE COURT: Perfectly proper.

MR. HOPPER: Well, I make that objection.

THE COURT: Overruled.

Bring Mr. Crawford in.

CHESTER CRAWFORD, resumed.

(Jury present.)

THE COURT: Mr. Gold, you may sit there, if you wish to.

MR. GOLD: All right, your Honor.

MR. KENNEY: May I question Mr. Crawford?

THE COURT: Yes.

CONTINUED DIRECT EXAMINATION

BY MR. KENNEY:

Q Mr. Crawford, in the period of time after April 5, 1973, did you talk to Terry?

A Yes.

Q And how did you talk to him, in person or on the telephone?

A By telephone.

Q And would you tell us, did he call you or did you call him?

A He would call me at Maria Vasquez' telephone, and she would take the message and I would call him back.

Q And after April 5, 1973, did you talk to Tommy Carroll?

A Yes.

MR. DIRENZO: Objected to, your Honor.

THE COURT: Overruled.

Q And did you speak to him in person or on the

1  
2 telephone?

3 A In person, and on the telephone.

4 Q And when you spoke to him on the telephone, did  
5 you call him or did he call you?

6 A If he called me, he'd leave a message at Maria  
7 Vasquez' telephone and I would call him back.

8 Q And when you called him, where would you call  
9 him?

10 A To Wall's Tavern.

11 Q When, if you know, was the last time you spoke  
12 to Terry?

13 A After April the 5th?

14 Q Yes.

15 A I don't remember the exact date.

16 Q Well, how long ago was it, if you recall?

17 THE COURT: Well, don't you have to fix it  
18 between then and June something?

19 MR. KENNEY: I'm sorry, your Honor, I didn't  
20 hear your question.

21 THE COURT: What was the date of the original  
22 indictment?

23 MR. KENNEY: June 19th.

24 THE COURT: June 19th.

25 MR. KENNEY: Well, I will withdraw the question,

your Honor, if I may.

Q Mr. Crawford, do you know Robert Rippy?

A Yes.

Q And how long have you known him?

A About four or five years.

Q Do you seen him in the courtroom today?

A Yes.

Q Would you point out who he is, please?

A The gentleman with the blue shirt on.

THE COURT: Mr. Hafetz, identification conceded?

MR. HAFETZ: Yes, Judge.

MR. KENNEY: I have no further questions.



Carroll

XXX

THE COURT: Mr. Martin?

CROSS-EXAMINATION

BY MR. MARTIN:

Q Mr. Crawford, are you married?

A Yes, sir.

Q Do you have any children?

A Yes.

Q How old are they?

A Ten months, six years, eight years.

Q How old are you, sir?

A 48.

Q This girl Maria that you mentioned before, can you tell us your relationship with her?

A She is a close friend of mine. She takes telephone calls for me, messages, once in a while.

Q Is she your girlfriend?

A No, not necessarily.

Q How often do you see her?

A Once in a while; maybe three or four times a week.

Q Do you visit her over at her apartment?

A Yes.

Q Do you pay the rent on that apartment?

A No.

1 Q I think you testified that you made phone calls  
2 from that apartment?  
3

4 A Yes.

5 Q Is the phone in your name?

6 A No.

7 Q Did you pay for the phone?

8 A No.

9 Q Did you ask her on each occasion before you  
10 made those calls if she would permit you to make those  
11 calls?

12 A Yes.

13 Q And on each occasion she did?

14 A Yes.

15 Q Was she there every time you made a phone call?

16 A She would have to be there.

17 Q I am asking you if she was.

18 A Yes.

19 Q So that each telephone call you made, as you  
20 testified before, this Maria was present?

21 A Yes.

22 Q Was she present in the room with you when those  
23 phone calls were made?

24 A I couldn't answer that because I wouldn't be  
25 sure. The phone was in the kitchen. I wouldn't know that.

1  
2 Q The phone was in the kitchen?

3 A Yes.

4 Q Mr. Crawford, you testified before that you were  
5 employed, that you returned to work on several occasions.

6 Can you describe what kind of work you did?

7 A I work for a construction company.

8 Q What company was that?

9 A Wiggins Construction.

10 Q Where are they located?

11 A Convent and 146th Street.

12 Q That is in the Bronx?

13 A No, New York City.

14 Q Convent Avenue and 146th Street?

15 A Yes.

16 Q Do you know the address?

17 A No, not offhand.

18 Q How long did you work there?

19 A About eight months.

20 Q Excuse me?

21 A About eight months.

22 Q Was that during this period of time that you  
23 were testifying to, from January until about April 5th?

24 A Yes.

25 Q Did you work there before that time?

1  
2 A Yes -- well, all together, I figure I worked  
3 there about eight months.

4 Q Can you tell me what period of time this  
5 covered?

6 A Well, I worked there up until I was arrested.

7 Q When did you start working there?

8 A I would say roughly eight months ago.

9 Q What month?

10 A I don't know.

11 Q What day?

12 A I don't know.

13 Q Now did you have to make application to get the  
14 job?

15 A No, a friend of mine gave me the job, assistant:  
16 foreman.

17 Q Who is the friend?

18 A A friend from the Lodge.

19 Q And his name?

20 A His name?

21 Q Yes.

22 A Gabe.

23 Q Gabe?

24 A Yes.

25 Q Do you know his last name?



1  
2 A That is his last name.

3 Q What is his first name?

4 A Henry Gabe.

5 Q Do you know where he lives?

6 A Well, he lives in the Bronx somewhere. Now he  
7 moved.

8 Q Do you know where he moved to?

9 A No.

10 Q Now, when you obtained the job -- you were  
11 arrested in June, was it?

12 A I don't remember the date. June?

13 Q Do you remember the month that you were  
14 arrested in?

15 A I think it was in June.

16 THE COURT: You mean in this case?

17 Q In this case?

18 A No.

19 Q Do you remember the day?

20 A No.

21 Q Do you remember the month?

22 A I think it was in June.

23 Q Do you remember, the beginning or the latter part  
24 of June?

25 A No.

2 Q Where were you when you were arrested?

3 A I was leaving home.

4 Q That would be in St. Albans?

5 A Right.

6 Q So that you had commenced work for eight  
7 months, sometime in October or November '72? Is that  
8 correct?

9 A That is correct.

10 Q What kind of work did you do on this job?

11 A Well, I was assistant foreman.

12 Q What did your duties consist of?

13 A If the foreman wasn't there I would see the men  
14 got the work done and helped them.

15 Q Was the work done at that location or was it  
16 done at various other locations?

17 A Well, we had about four locations going at one  
18 time.

19 Q During the period January '73 until the middle  
20 of April of 1973 can you tell me where those four jobs were  
21 being conducted?

22 A They had one at Marcy and Lafayette in Brooklyn;  
23 they had one at Greene and Fulton in Brooklyn; they had one  
24 at 124 Street and Second Avenue; and they had one at  
25 Hopkins and Marion in Brooklyn .

1 Q Was it your job as assistant foreman to visit  
2 the sites and superintend the men?  
3

4 A No, my job was if I went to one site I would  
5 stay there all day, unless they told me to go with the  
6 guys to a different job.

7 Q Who was the one who told you where to go each  
8 day?

9 A Well, at the end White would tell me, a guy  
10 named White, which was the engineer.

11 Q When you say at the end, what period of time  
12 are you talking about?

13 A The last three or four months.

14 Q That would have been, say, from March through  
15 June?

16 A Yes.

17 Q Of 1973?

18 A Yes.

19 Q Did you report into that job on the morning or  
20 at any particular time each day during the time of your  
21 employment from about October of '72 until June of 1973?

22 A Yes, we were working, and if it was not raining  
23 I would report.

24 Q Did you report in every morning?

25 A YES.

Q Did you have a specific time to report in?

A It was supposed to be 8:00 o'clock.

Q That is, every morning?

A Yes.

Q Is that five days a week?

A Five days a week. If we were needed on Saturday we would go to work on Saturday.

Q Did your work consist of having to work five days a week Mondays through Fridays, at least?

A Yes, if it was not raining.

Q And if it was raining did you have to report to work?

A Yes.

Q Did you report to work on April 5, 1973?

A Yes.

Q What time did you report to work?

A 8:00 o'clock.

Q Did you check in?

A Yes.

Q Did you punch a card? How was your way of checking in?

A I was the foreman on that job. We were working at 111th Street and Second Avenue. We were building a playground. I brought the men there and we went to work.



1 Q Where did you obtain the men from?

2 A I brought them with me.

3 Q Where did you pick them up?

4 A At Springfield Boulevard and 132nd Avenue.

5 Q What time did you pick them up that morning?

6 A 7:30.

7 Q How many men did you pick up?

8 A One.

9 Q One?

10 A Yes.

11 Q So it was a man, not men?

12 A Yes, one man I picked up there; another man  
13 came to the job; he lived in New York and he came when I  
14 got there.

15 Q Did you meet him at the job or did you pick him  
16 up?

17 A No, I met him at the job.

18 Q Did you have two men working with you on that  
19 job?

20 A Two men working for the contractor that I worked  
21 for, but there was about four other guys who worked for a  
22 different contractor were there too.

23 Q Were they there that day?

24 A Yes.

1  
2 Q It was your job to stay there and supervise these  
3 men whom you had?

4 A Yes.

5 Q Did you do that?

6 A I stayed there until 1:00 o'clock.

7 Q You stayed there until 1:00 o'clock on the job?

8 A Yes.

9 Q Did you call your boss and tell him you were  
10 checking out?

11 A No.

12 Q Were you paid for that day?

13 A Half a day.

14 Q You were paid for half a day on the record?

15 A Yes.

16 Q Did you give any excuse why you were leaving?

17 A No.

18 Q You just walked off the job?

19 A No, he figured I went home for something  
20 because my wife was sick.

21 Q Did you tell him that your wife was sick?

22 A No, he was not there.

23 Q Did you later tell him that your wife was sick?

24 A No.

25 Q Did he ask you why you were off the job that day?

1  
2 A Yes.

3 Q What did you tell him?

4 A I told him I picked up my mother-in-law and  
5 took her home.

6 Q You told him you picked up your mother-in-law  
7 and took her home?

8 A Yes.

9 Q Did you tell him where you picked her up from  
10 and where you took her to?

11 A He didn't ask me.

12 Q Where was your mother-in-law living?

13 THE COURT: What has that got to do with this,  
14 where his mother-in-law lives?

15 MR. MARTIN: He told the man.

16 THE COURT: He didn't do it, obviously. He  
17 told you he left and went downtown.

18 You made that story up, didn't you?

19 THE WITNESS: Yes.

20 MR. MARTIN: He told his boss.

21 THE COURT: I know he told his boss, but he  
22 told his boss a lie.

23 MR. MARTIN: I don't know that. I don't know  
24 which one is the lie.

25 THE COURT: His mother-in-law is not involved

1 in this case and where she lives is immaterial. Next  
2 question, Mr. Martin.

3 MR. MARTIN: I respectfully except, your Honor.

4 Q Were there any other days between October of  
5 1972 and June of 1973 that you took off from your employ-  
6 ment?  
7

8 A No, not that I can remember. Maybe an hour I  
9 went home early, it was raining.

10 Q You went in and worked five days a week on the  
11 job?

12 A We went in in the morning and if we had work  
13 to do all day on a certain job we stayed all day.

14 Q During the month of March, 1973, did you check  
15 in to your employer every day and work every weekday?

16 A Not necessarily.

17 Q Do you know what days you were off?

18 A No, sir.

19 Q Did you ever tell your boss you were off?

20 A Well, the days I would be off, I didn't come to  
21 work, we didn't have enough work to last all day, we would  
22 send everybody home.

23 Q Did you make any records or did your boss?

24 A I am sure my boss did.

25 Q You are sure your boss would have records of



any time you were not working during the month of March, 1973?

A I am quite sure.

Q Who can you ask for that? Who would keep those records in your employer?

A Well, the bookkeeper.

Q Do you know the bookkeeper's name?

A I wouldn't know now. Maybe they got a new one. His sister took care of the books, Mrs. Wiggins.

Q She was at the Convent Avenue address?

A That is correct.

Q Mr. Crawford, do you have a brother, Paul Crawford?

A Yes.

Q He is a defendant in this action?

A Yes, sir.

Q Would you tell us the circumstances under which you were called to testify here today?

A I don't understand you.

Q Did anybody ask you to come down to testify? Did anyone ask you to come to court today and testify?

A Did anyone ask me to come to court to testify? I took a plea in this case, and when I took a plea, I agreed to testify if I was needed. They didn't say, "You

1  
2 will testify," they just told me I would testify if I was  
3 needed.

4 Q If you were -- I didn't hear the last part --

5 A They told me when I took a plea, they said,  
6 "We will use you to testify if we need you."

7 Q Who told you that?

8 A Mr. Kenney.

9 Q Did you have any conversation with Mr. Kenney  
10 or with anyone else from the government concerning your  
11 testimony here?

12 A No. All he told me, I took a plea, second  
13 degree murder, he said on sentence they would dismiss the  
14 other two counts and they would speak to the judge about  
15 my cooperation, and that is all they told me.

16 Q That is all he told you?

17 A Yes, he promised me that it was a serious  
18 crime and the judge would deal with it.

19 Q Is that the only promise anyone ever made to  
20 you?

21 A That is for sure.

22 Q I show you this document and ask if this is  
23 your signature on the second page?

24 A I can't read without my glasses. That is my  
25 signature.

Q Did you sign this document after talking with Mr. Kenney from the United States Attorney's office?

A Yes.

MR. MARTIN: I would like to offer this in evidence.

MR. KENNEY: We have no objection.

MR. DIRENZO: May I see it?

(Defendant Vincent McCloskey's Exhibit A was received in evidence.)

MR. KENNEY: Your Honor, with the Court's permission, we have the original of that document.

THE COURT: Any objection?

MR. KENNEY: No objection.

Q Will you look at the date on this, Mr. Crawford, and read the date?

A There are two dates on it.

Q The date up on top where the letter is dated.

A September 10.

Q September 10, 1973?

A Yes, sir.

Q Is that when you are telling us you made this agreement to come and testify here today?

A No, we didn't make an agreement for me to testify at that time. I signed this and took a plea, and he



1 told me -- he didn't tell me that I would testify on this  
2 date, on this trial.  
3

4 THE COURT: I think you and the witness are in  
5 disagreement about the date. Is it important for you to  
6 know whether he was asked to come to testify on September  
7 12, 1973, because the witness seems to feel that is what  
8 you're looking for.

9 MR. MARTIN: If your Honor please, the witness  
10 told me that the only agreement he had with the United  
11 States Attorney --

12 THE COURT: Listen to my question that I am  
13 putting to you. The witness' answers seem to be predicated  
14 on his understanding that you are trying to find out whether  
15 he was told that he was to appear in this courtroom on  
16 September 12, 1973. Is the date that important to your  
17 question?

18 MR. MARTIN: The date is important to my  
19 question.

20 THE COURT: That's all I am pointing out. It's  
21 perfectly obvious from the witness' answers that he thinks  
22 you are seeking a specific date that he was supposed to  
23 appear here. I'm asking you if that is what you're looking  
24 for. If it is, then the witness understands your question.  
25 If it is not, then you should clarify your question.



1  
2 MR. MARTIN: If your Honor please, I don't like  
3 to do this, but I don't agree with your Honor's inter-  
4 pretation of it.

5 THE COURT: Well, I'm sorry. That is how I  
6 understand his answers, and it is my job to make sure his  
7 answers are clear. If I am misled, I must assume that some  
8 of the jurors are misled. Now, let's go on to something  
9 else, Mr. Martin.

#3 10 MR. MARTIN: For the sake of the record I would  
11 ask your Honor to bear with me so I can develop and ask the  
12 questions in my own fashion.

13 THE COURT: You have been asking questions now  
14 for five minutes, and it is obvious from the way the  
15 witness is answering that he thinks you're asking him was  
16 he told by Mr. Kenney on August 4th that he is to appear  
17 here September 12. That is what I'm trying to point out  
18 to you, and if the date is important, then clarify your  
19 question for the witness, please.

20 MR. MARTIN: That is what I am trying to do.

21 THE COURT: You are not.

22 MR. MARTIN: Will your Honor bear with me?

23 THE COURT: I have been bearing with you, and  
24 the witness keeps giving an answer as though you're trying  
25 to get from him that he was told he was to appear on

1  
2 September 12.

3 MR. MARTIN: Your Honor, I don't feel I  
4 should be bound by the defendant's answers.

5 THE COURT: Next question. I think I have made  
6 myself clear to you, if nobody else. I have injected  
7 myself into this situation now.

8 Next question.

9 MR. MARTIN: If your Honor please, at this time  
10 I would like to object and move for a mistrial.

11 THE COURT: Denied. Now, put a question so we  
12 can move ahead.

13 (Continued on page 299.)  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Tk3

Foll

Q Did you meet with Mr. Kenney at any time in August or September before signing that paper?

A I don't recall, sir.

Q Excuse me?

A I don't recall meeting with him. I met with my lawyer.

Q Would you look at the second page of that paper, please? Do you find Mr. Kenney's signature there?

A Yes, sir.

Q Does that refresh your recollection as to whether you met with him at that time?

A No, sir.

I never met Mr. Kenny, I'm pretty sure, until after this was handed to my lawyer.

Q Do you have any idea of when you first met Mr. Kenney?

A I don't have a recollection of the date, sir. But it wasn't before then.

Q So, as I understand your testimony, you met Mr. Kenney after that paper was signed; is that correct?

A I met Mr. Kenney when I decided to take a plea, when I took the plea.

Q And you took a plea, I believe, on or about September 17, 1973, in this courtroom. Is that correct?



1  
2 A Whenever it was. I don't remember.

3 Q And you took a plea in open court?

4 A Yes, sir.

5 Q And that plea was to murder in the second degree?

6 A Yes, sir.

7 Q Now, before you took that plea, did you have  
8 any discussion with your lawyer or with Mr. Kenney about  
9 what your brother would do as a defendant in this case?

10 A No, sir. No, sir.

11 Q Did you talk to your brother before taking --  
12 before signing this agreement?

13 A No, sir.

14 Q Did you, in fact, know that your brother, Paul  
15 Crawford, as a defendant, took a plea to a count of  
16 conspiracy only?

17 A No. The only thing I know, he took a plea  
18 when I took one. He took a plea the same time I took  
19 one.

20 Q Do you know that he took the plea to conspiracy?

21 A That time I know what he was taking a plea,  
22 because I was standing there.

23 Q So you knew what he took a plea to?

24 A I was standing right there, sir.

25 Q Now, when was the next time that you met Mr.

Kenney?

A I don't remember the date, sir.

Q Did you meet him sometime in March and did he question you about the incidents that you testified to before on direct examination?

A In March? What year?

Q March of 1973, this year:

A I didn't know Mr. Kenney in March.

Q Did you meet him in November?

A What year?

Q 1973. '73.

A I can't recall. I might have.

Q Did you have a series of meetings with Mr. Kenney in which he asked you questions concerning the period March of 1973 through April of 1973?

A Truthfully, I figure I met Mr. Kenney maybe three or four times since this case begun, because I hasn't had a series of meetings with Mr. Kenney.

Q You haven't what, sir?

A I haven't met Mr. Kenney more than three or four times, if I can recall.

Q When you met him, did you have discussions with him?

A Short discussions.

Q And did you tell him what happened?

A He asked me if I recollected. I told him.

Q Excuse me?

A If he asked me, I told him.

Q In other words, if he asked you specific questions, you answered; you gave him specific answers?

A If I remembered what he asked me, I told him what I knew.

Q Isn't it a fact that you told him that you would refuse to testify at this trial?

A No, sir.

Q And is it not a fact that you were granted immunity for testifying at this trial, a limited immunity?

A Immunity to what, sir?

Q A limited immunity to anything that you testified to on the stand.

A I don't understand the question, sir.  
Immunity --

THE COURT: I think you ought to clarify it.  
Because it's in a written order.

Q Will you tell me what agreement was reached between your lawyer and Mr. Kenney regarding your testimony today?

A Well, my lawyer has the copy they had here.

That is the only immunity I got, of a crime committed in New Jersey -- I have no immunity in this trial at all.

Q But you did sign something about immunity in Jersey?

A Yes.

THE COURT: He didn't sign anything.

A I didn't sign it.

Q Do you have an agreement?

A But I didn't sign it.

Q But, did you make an agreement?

A My lawyer has it.

Q And do you know what the agreement was?

A The agreement was immunity to a crime that had been committed in New Jersey. Has nothing to do with this case.

Q Is this a crime that you had committed?

A I don't understand what you're talking about.

Q I say, is this a crime that you had committed, the one that you say you are receiving immunity for?

A This is a crime I participated in.

Q And did you, in fact, commit it?

A I was there.

Q Besides talking with Mr. Kenney, did you talk to any police officers from the time you were arrested up



until the present day?

A What do you call police officers, law enforcement agents?

Q I am asking you first, police officers.

A I haven't talked to no police officers, but I talked to a friend from the FBI.

Q You talked to a friend from the FBI?

A Yes.

Q What is his name?

A Mr. Allen Garber.

Q What is his name, sir?

A Mr. Allen Garber.

Q When did you talk to him?

MR. KENNEY: Objection. I am going to object to this line of questioning, unless it is somehow relevant to the present case, your Honor.

THE COURT: Is it in relation to this present case?

MR. MARTIN: I think we are entitled to inquire whether he made any prior statements which may be inconsistent with the testimony. That is my reasoning. We don't have anything in the 3500 material. I am trying to explore whether there is any more 3500 material.

MR. KENNEY: I suggest Mr. Martin could ask him



1 if he had a conversation with Mr. Garber about this case  
2 or about the mail truck robbery or about the robbery in  
3 New Jersey.  
4

5 THE COURT: I will limit the question to that.  
6

7 MR. MARTIN: Well, I will withdraw the  
8 question, then.  
9

10 Q Did you have any conversation with any post  
11 office inspectors from the date you were arrested up  
12 until the present date?  
13

14 A No. They came and got me and took me to  
15 Mr. Kenney's office. That is the only time. They didn't  
16 talk to me about anything.  
17

18 Q Nobody spoke to you?  
19

20 A Well, they spoke to me. They came and take me  
21 to Mr. Kenney's office, and they would be there and they  
22 would ask me maybe one or two questions, but not that  
23 many.  
24

25 Q Nobody ever asked you if you killed that guard,  
the post office guard?  
26

27 A They never asked me that.  
28

29 Q Nobody asked you that?  
30

31 A Postal inspectors never asked me that question.  
32

33 Q And nobody ever asked you if you were in that  
area on that day?  
34

A Yes.

Q When did you first tell them that you were in that area that day?

A The day I took a plea.

Q That was September 17th?

A I don't remember.

Q Or about that.

Had you ever told anybody before September 17th that you, in fact, had been down in this area that you described before?

A No.

THE COURT: Wait. When you say "anybody," you want to limit that, don't you, to any law enforcement agency?

MR. MARTIN: I didn't want to, but if your Honor wants me to --

THE COURT: He may have told his wife. That isn't what you're looking for, is it?

MR. MARTIN: I am asking if he told anybody that he was involved in it, and if he did, I may possibly use them as a witness.

This is one of the reasons, I am trying to elicit information.

THE COURT: Go ahead.

MR. MARTIN: May I have the question read back?

(Record read.)

Q So that from the time you were arrested in June of 1973, and until September 1973, when you took your plea, you never told anybody you were involved in this crime or any of the events in here?

A I never discussed that case with anybody.

Q And, in fact, when you were first arrested, you pleaded not guilty?

A Yes, sir.

Q And you told people you were not guilty?

A Yes, sir.

Q And by that it meant you were not down in that area, isn't that correct?

A I beg your pardon?

Q And by your pleading not guilty, it meant that you did not participate in these things that you told us about today?

MR. KENNEY: Objection.

THE COURT: Overruled.

A Well, I pleaded not guilty at the --

THE COURT: That is what he was trying to say, yes.

Q Did you at any time make any written statements

1 or send any letters to anyone concerning these incidents  
2 that occurred that you testified to before, from the  
3 time you were arrested until the present time?  
4

5 A No.

6 Q Have you ever signed any statement that other  
7 people prepared concerning any of these events?  
8

9 A No.

10 Q Do you know a Garrett Trapnell?  
11

12 A Sure.

13 Q Can you tell me who he is?  
14

15 A He was in West Street.

16 Q Excuse me?  
17

18 A He was in West Street. Used to lock in the  
19 same max with me.  
20

21 Q You mean the same maximum security?  
22

23 A Yes, we were in the same maximum security.  
24

25 Q Cell?  
26

27 A Not in the same cell. He was on the same tier.  
28

29 Q Did you have conversations with him?  
30

31 A No, not necessarily. I didn't know him that  
32 well. I just, he was there. I know a lot of guys there.  
33 We didn't have no conversation.  
34

35 Q When you say "not necessarily," what do you  
mean by that?



1  
2 A When you're locked up in a tier or in a tank  
3 with a lot of other people on the same tier, you know,  
4 you learn their names. If you stay there three or four  
5 months, everybody will learn to know each other's names.

6 Q And you were there with him during the month  
7 of July 1973?

8 A I don't know; when I was there, he was there.

9 Q Did you ever have any conversations with him?

10 A No.

11 Q Is it your testimony that you never spoke to  
12 him at all?

13 A Oh, I spoke to him, but not in regarding my  
14 case.

15 Q Did you have any conversations with him?

16 THE COURT: I don't understand. You mean  
17 "hello, how are you"?

18 MR. MARTIN: That is what I'm trying to find  
19 out, your Honor. I am asking the witness any conversations  
20

21 THE COURT: I just want to make sure I under-  
22 stand what you're talking about.

23 MR. MARTIN: I think the witness understands.

24 THE COURT: I want to know what you were talking  
25 about.

MR. MARTIN: May I ask that the question be

1  
2 reread, please.

3 (Record read.)

4 A The only conversation, "hello" or something  
5 I didn't know him that well. He was just locked up in  
6 the same lock with me.

7 Q But you did talk to him periodically?

8 A No.

9 Q Let me see if I understand it.

10 You did or did not have conversations with him?

11 A Well, after I was there long enough, and  
12 everybody knew everybody's name, he would say "hello."  
13 Then there came a time when he didn't. It's just like,  
14 if you know a guy, you live in the same neighborhood.

15 Q Right, but you talked to him?

16 A Not that frequently, not that often, not that  
17 often.

18 Q But you did speak to him several times or at  
19 least once or twice?

20 A Well, maybe once or twice, but I didn't have  
21 no conversations with him.

22 Q Well, if you talked to him you said something,  
23 right?

24 A Well, he may say "hello"; he may say, "here's  
25 a deck of cards," he'd bring in and leave them, give them

1 to the guy in the tank or something, but that's about  
2 all.  
3

4 Q You don't remember what he said to you, what  
5 you said to him?  
6

7 A No. The conversations I don't remember. It  
8 wasn't important.  
9

10 Q Isn't it a fact that on July 31, 1973, that  
11 you said to him, "Too bad you don't have someone to sell  
12 to the United States Attorney"?  
13

14 A Ma?  
15

16 Q Yes.  
17

18 A No.  
19

20 Q And isn't it a fact that you said to him that  
21 you plan to make a deal of some sort with the Assistant  
22 United States Attorney by giving testimony against  
23 Mr. Vincent McCloskey and Mr. Thomas Carroll?  
24

25 A No.  
26

27 Q And isn't it a fact that you told him outright  
28 that Mr. Carroll and Mr. McCloskey are not involved in  
29 the case, but that the Assistant United States Attorney  
30 wanted to get them and has offered you a deal if you  
31 would help to convict them?  
32

33 A No. It's not true.  
34

35 Q It's not true. Are you saying it's not true or



1  
2 that you don't remember the conversation?

3 A It's not true.

4 Q Do you now remember any words or conversations  
5 with him about items of that type?

6 A I didn't discuss my case with Trapnell or  
7 with anybody, not even with the co-defendants that I  
8 was locked up with.

9 Q Mr. Crawford, on direct testimony, I understand  
10 you said that you are presently under a sentence of ten  
11 years in prison.

12 A Yes, sir.

13 Q Where are you serving that sentence?

14 A I refuse to answer that question.

15 THE COURT: I direct you to answer where you  
16 are incarcerated.

17 THE WITNESS: I am incarcerated but do I have  
18 to tell him the address I am at?

19 MR. KENNEY: May we approach the bench on  
20 this point, your Honor?

21 THE COURT: I think I understand the problem.  
22 I sustain the objection.

23 Q On that ten-year sentence, how much time have  
24 you served on account of that?

25 A From the day I was sentenced, sir.

1  
2 Q Which was when?

3 A Sometime in September. I think I got the ten  
4 years in August. I don't have the exact date, sir.

5 Q You had the ten years in August?

6 A Whenever I got sentenced --

7 Q That is of this year?

8 A This year. I got it in '73.

9 Q And then you testified about a three-year  
10 sentence.

11 A Yes, sir.

12 Q When did you get that?

13 A I got the three-year sentence after I got the ten-  
14 year sentence.

15 Q And you got the ten years in August of 1973?

16 A Yes, sir.

17 Q And when you say you got it after, did you get  
18 that after you made your plea in this Court?

19 A No, sir.

20 Q So that your sentence time, this sentence on  
21 the three-year time was given between the first sentence  
22 in August and the day you pleaded here?

23 A When I was convicted in the ten years, I went  
24 to the Eastern District, I took a plea; the Judge says,  
25 "After your sentence, you come back and I will sentence

SOUTHERN DISTRICT COURT REPORTERS

UNITED STATES COURT HOUSE

FOLEY SQUARE, N.Y., N.Y. 10007 TELEPHONE: CORTLAND 7-4320

1  
2 you."

3 Q I don't understand. Can you tell me about that?

4 A I had a case in the Eastern District. I had a  
5 case here. I was convicted here. While I was waiting  
6 sentence, I went to the Eastern District, I took a plea,  
7 just a plea. The Judge says, "After your sentence, you  
8 come back and I will sentence you in this case."  
9

10 Q Let me go back to the ten-year sentence.

11 That was given out in August, as I understand  
12 it.

13 A I think so, sir.

14 Q Can you tell me, what were you sentenced for?

15 A Hijacking.

16 Q And hijacking where?

17 A Conspiracy. In Southern District here.

18 Q In Southern District?

19 A Yes.

20 Q And that sentence was imposed on you already?

21 A Yes, sir.

22 Q And that was in the Southern District -- was  
23 that in August of '73?

24 A I think it was in August. It was in '73.

25 Q August?

A When I got that sentence.



Q Now, tell me about the three-year sentence that you testified to before. Give me the circumstances of that.

A I was charged with hijacking, conspiracy, in the Eastern District. After I was convicted in the Southern District, I went to the Eastern District and I took a plea. The Judge says, when I am finished, get the sentence over here, he didn't know how much time I was going to get, I didn't either; after I got sentenced in the Southern District I went back to the Eastern District and I was sentenced to three years.

Q So you were sentenced, you had a ten-year sentence on hijacking from this Southern District Court and a three-year sentence from the Eastern District?

A Yes, sir.

Q And those are running together?

A Yes.

MR. KENNEY: May I have a point of clarification here, your Honor, simply to inform the jury where the Southern District is and where the Eastern District is? I don't think that is clear from the questions.

THE COURT: The Southern District runs from Manhattan up to just south of Albany on both sides of the Hudson River; the Eastern District is Brooklyn, Queens, Nassau, Suffolk and Staten Island.

1  
2 Q And I think on your direct testimony you  
3 said you are under indictment in New Jersey now.  
4

5 A Yes, sir, that is right.

6 Q What are you under indictment in New Jersey  
7 for?  
8

9 A Conspiracy, hijacking.

10 Q And have you taken any plea or gone to trial  
11 on that in New Jersey?  
12

13 A No, sir.

14 Q And is that part of the consideration for  
15 testifying here, that you would be held free from that  
16 charge?  
17

18 A No, sir.

19 Q Have you ever been convicted of any other crimes?  
20

21 A No, sir.

22 Q Mr. Crawford, when you testified before on  
23 direct examination, you indicated the names of several  
24 hotels and I believe one hotel in New York City. There  
25 was one you referred, I believe, at one time to a hotel  
in New York City sometime during March of 1973.

Do you remember what hotel that was?

A I think it was the --

THE COURT: By New York City you mean Manhattan?

MR. MARTIN: Manhattan.



1  
2 A I think it was Ramana at either 49th Street  
3 or 50th Street and Eighth Avenue. I'm not sure whether  
4 that is the name, but somewhere around that.

5 Q Ramada Inn?

6 A It's possible. I think that's it. I am not  
7 sure.

8 Q Did you go in and register there that day?

9 A No, I didn't go in and register, no, sir.

10 Q A lot of what you testified to this morning  
11 actually you weren't present and didn't see much of that,  
12 isn't that correct?

13 A Present? I don't understand.

14 Q I mean, a lot of what you testified to that  
15 happened this morning, you weren't there for each and  
16 every act that you testified to, were you?

17 A I was there every time that I testified. I  
18 couldn't testify if I wasn't.

19 Q When you were over at that diagram this  
20 morning, you ran through a path ending on Beekman  
21 Street twice.

22 Do you remember that testimony?

23 A Yes, sir.

24 Q Had you ever seen that board before?

25 A Sure, I saw it before.

1 Q Before you came into Court this morning?

2 A Yes.

3 Q Where did you see it?

4 A Hanging down in Mr. Kenney's office

5 Q When was that?

6 A Oh, I don't remember a date.

7 Q Was it recently?

8 A Could have been; a couple of weeks ago.

9 Q And did you review with Mr. Kenney that time  
10 the path that you were taking?

11 A Sure, I showed it to him on the map.

12 Q And did you tell him anything else?

13 A He showed me the board. I don't remember --  
14 I showed him the path that we took.

15 Q Do you remember an incident -- you spoke about  
16 a police car being in Gold Street, was it?

17 A I don't know what street. It's sitting down  
18 by that triangle. I don't know the name of the street.

19 THE COURT: West Pearl Street.

20 Q West Pearl Street.

21 Do you remember a police car being at West  
22 Pearl Street that you testified to?

23 A Yes, sir, it's a police car, sir.

24 Q And do you remember saying that the police car  
25

was there on April -- some day in March, March 29th?

A March the 30th.

Q March 30th.

And then that same police car was there in the same place on April 5th?

A Yes, sir.

Q Standing there?

A Sitting there.

Q Sitting there. Same place?

A Same place.

Q Same time?

A I don't know the same time, but it was sitting there.

Q Can you describe that police car?

A No, sir. A police car is a police car. They look alike.

Q Can you tell where it was in relation to the corner? Can you give any description?

A No, sir.

Q Do you know what side of the street it was on?

A On the left.

Q Left. That would be the left as you walked up Pearl Street?

A Left as you are walking towards the intersection.

1 Q Was it left of where?

2 A Well, if you have gone -- it would be to your  
3 left, if you are going downtown.

4 Q Downtown on Pearl Street.

5 A Well, if you are going, heading south, it would  
6 be to the left.

7 Q Would it be halfway in the block?

8 A It's a very short block there. I wouldn't know.  
9 I don't know exactly.

10 Q Was it near the corner?

11 A I don't know, sir.

12 Q Do you know if any police officers were in it?

13 A It was empty.

14 Q It was empty; just sitting there?

15 A Yes, sir.

16 Q Empty on both occasions?

17 A I beg your pardon?

18 Q I say it was empty on both occasions?

19 A Yes, sir.

20 Q And just sitting there?

21 A Yes, sir.

22 Q And it was located in the same spot on both  
23 occasions?

24 A I don't know the same spot, but it was there both  
25



times.

Q Let's take the March 30th date. Where was it?

A I couldn't verify that because it was there both times and I didn't get out to measure it and see whether they moved it or not.

Q If it was there, you saw it, did you not?

A Sure did.

Q When you saw it on March 30th, was it in the same place that it was on <sup>April</sup> March 5th?

A I can't say that because I don't know whether they moved it and brought it back or whether they didn't.

Q Did you see it?

A I saw it both days.

Q Was it in the same spot on both days?

A I can't say that, sir. It was there.

Q Was it on the left-hand side on both days?

A Both days on the left-hand side.

Q And both days it was empty?

A Both days it was empty.

Q That is a narrow street down there, is it not?

A It's one way.

Q Was it parked halfway on the sidewalk?

A No, sir.



1 Q It was parked at the curb?

2 A Parallel.

3 Q Were there any other cars in front or back of it?

4 A I didn't pay no attention.

5 Q Were there any cars on the other side?

6 A Yes, sir.

7 Q What cars were on the other side?

8 A I don't know.

9 Q Did you ever have occasion to walk --

10 MR. MARTIN: Question withdrawn.

11 Q Did you ever have any occasion to walk between  
12 Gold Street and Nassau Street on Beekman in a westerly  
13 direction?

14 A No, sir.

15 Q Did you ever have any occasion to ride there?

16 A Not as I remember.

17 THE COURT: Keep your voice up.

18 A I don't remember driving down that block. Could  
19 of.

20 Q Do you ever remember walking down that block?

21 A No, I never walked in that neighborhood.

22 Q Do you know what was on that block?

23 A No. I never paid any attention.

24 Q Did you ever have occasion to walk from Beekman  
25

Street south on William Street?

A No, sir.

Q Do you know what stores are there?

A No, sir.

Q Do you know what establishments are there?

A No, sir.

Q Do you know where the corners are?

THE COURT: Know where the --?

Q Know where the corners are in relation to these intersections.

A I know where the corners is but I don't remember what's on those corners.

Q Tell me where the four corners are where William Street intersects with Beekman Street?

A I can't tell you that, sir. I can't tell you that because I don't know.

Q You can't tell me that?

A I don't remember those streets down there by name.

Q Do you remember where the four corners were on that intersection?

A There was a police car setting there.

Q There was a police car setting on the intersection of Beekman Street and William Street?

1  
2 A No, it was down there on the triangle of  
3 Pearl Street.

4 THE COURT: Frankly, I don't understand what  
5 you mean, where the four corners are, where Beekman  
6 Street intersects William?

7 MR. MARTIN: All right, question withdrawn.

8 Q Can you describe the intersection of Beekman  
9 Street and William Street?

10 A No.

11 Q Without looking at the chart, could you describe,  
12 can you describe that intersection for me?

13 A Pearl, where the triangle is --

14 THE COURT: That is not what he's asking you.  
15 He is asking you about Beekman Street and William Street.

16 A I can't describe that corner.

17 Q Do you have any idea at all of what that inter-  
18 section looks like?

19 A No, I never had occasion to look at it, that  
20 I remember.

21 Q You never had occasion to look at it? You never  
22 saw it?

23 A I don't remember.

24 Q And you didn't see it in March of 1973?

25 A No.



1  
2 Q And you didn't see it in April of 1973?

3 A Beekman and William?

4 Q Yes. Without looking at the chart, sir, if you  
5 please.

6 THE COURT: Wait. The witness has said he  
7 doesn't know the names of the streets, and if you are  
8 not going to let him look at the chart, how can he answer  
9 your question?

10 MR. MARTIN: Your Honor, I believe I am entitled  
11 to test his memory and his recollection. That is all I  
12 am trying to do.

13 THE COURT: Of course you are, but when you put  
14 a question, when the witness has stated he doesn't know  
15 the names, and you tell him not to look at the chart,  
16 I don't know understand how you are supposed to get an  
17 answer.

18 MR. MARTIN: If the witness has testified on  
19 direct examination to certain incidents that happened  
20 at this particular time, that he described vividly --

21 THE COURT: Because he was standing at the map  
22 with his finger at it. He's now on the witness stand.  
23 The map is across the room from him, and you are telling  
24 him not to look at the map.

25 MR. MARTIN: If your Honor please, he also

1 testified on direct examination that he was there on two  
2 days and I am asking him to describe it as he remembers  
3 it. That is all I'm asking him.  
4

5 THE COURT: And he's answered it.

6 MR. MARTIN: I haven't heard it, if your Honor  
7 please.  
8

9 THE COURT: He says he never walked down it,  
10 he doesn't remember driving through it, and he doesn't  
11 know what's on the block.

12 MR. MARTIN: Thank you, your Honor.

13 THE COURT: He gave that answer several minutes  
14 ago.

15 Q Mr. Crawford, on direct testimony, you spoke  
16 about a man named Frank that you had received some money  
17 from, a man named Frank in New Jersey, is that correct?

18 A Yes.

19 Q And you said you received some money from him?

20 A Yes, borrowed some money from him.

21 Q Excuse me?

22 A I got some money from Frank.

23 Q How much did you get?

24 A \$400.

25 Q Isn't it a fact, Mr. Crawford, that you sold  
Frank your Cadillac automobile?



1  
2 A That was before. I sold him that before I  
3 borrowed the \$400.

4 Q Isn't it a fact that you received \$4,000 from  
5 him for that Cadillac automobile?

6 A That was much before I got the \$400.

7 Q How long did you have the Cadillac that you sold?

8 A Oh, I don't know. Don't remember.

9 Q How much did you pay for the Cadillac?

10 A I don't remember this time.

11 Q Where did you get the money that you paid for  
12 the Cadillac with?

13 A I didn't buy it in cash. I paid it out in  
14 notes.

15 Q And did you sell it to him before you paid the  
16 notes off?

17 A No.

18 Q Who did you have the notes with?

19 A GMC.

20 Q When you sold it to him you transferred the  
21 ownership to him?

22 A Yes, sir.

23 Q And this is the same Frank that you testified  
24 to in your direct examination?

25 A Yes.

1  
2 Q Now, you testified that you had occasions to have  
3 some conversations with a man by the name of Jack, is  
4 that correct?

5 A That is correct.

6 Q And Jack is John Turner?

7 A I learned that he's John Turner.

8 Q And he is a defendant in this action, or was a  
9 defendant in this action?

10 A I don't know. I haven't saw John Turner.

11 Q Excuse me?

12 A He's a defendant in this case.

13 Q Yes. Is it your testimony that you haven't seen  
14 him?

15 A Well, I have seen him, but he's a defendant in  
16 this case. I don't know where he's at.

17 Q When did you last see him?

18 A A long time ago. Quite some time ago.

19 Q Before or after you were arrested?

20 A After I was arrested I saw him, maybe once or  
21 twice.

22 Q Where did you see him?

23 A Downstairs in the bull pen.

24 Q You also saw him in this Court, did you not?

25 A I saw him the day that I took a plea.

1  
2 Q In this Court?

3 A Yes.

4 Q Did you know that John Turner was a former --  
5 was an informer for the Federal Bureau of Investigation?

6 A No, sir.

7 Q Did Mr. Kenney ever tell you that John Turner  
8 was an informer for the Federal Bureau of Investigation?

9 A I never asked Mr. Kenney. He never told me.

10 Q Now, this Jack, or Mr. Turner, did he encourage  
11 you to get involved in any deals?

12 A I haven't saw him, only passed him in the bull  
13 pen downstairs.

14 MR. MARTIN: Question withdrawn.

15 Q Before you were arrested, and in January of  
16 1973, or from January of '73 until the middle of April  
17 1973, did Mr. Turner try to talk you into getting into  
18 any illegal deals?

19 A No.

20 Q Didn't you, in fact, testify that Turner called  
21 you on the phone and said, "Let's go, I got a job"?

22 A No. Any time Turner talked to me he was  
23 relaying a message to me from Carroll --

24 MR. MARTIN: I am going to object and ask that  
25 that be stricken.



1  
2 THE COURT: Overruled.

3 MR. MARTIN: Respectfully except.

4 Q Limiting the conversations --

5 MR. MARTIN: Question withdrawn.

6 Q It's your testimony that Turner never told you  
7 he had a job for you.

8 A Turner, when I talked to Turner, it would  
9 either be by phone or else I would meet him and Carroll  
10 someplace and return his car.

11 Q Is it your testimony that the only time you ever  
12 spoke to Turner was when somebody else was there?

13 A I talked to him on the phone. I would call.  
14 If Carroll wasn't there, Turner would answer the phone.

15 MR. MARTIN: I object to this and ask the  
16 answer be stricken. The witness is not answering the  
17 questions.

18 THE COURT: He said he spoke to him on the  
19 phone. I assume that answers your question that nobody  
20 was there.

21 MR. MARTIN: He is also gratuitously throwing  
22 information in that I'm not asking for. May I ask that  
23 the witness be instructed to limit his answers to my  
24 questions, if your Honor please?

25 THE COURT: I think he tried to, but you weren't

1 jkmch

C. Crawford-cross

660a

330a

2 satisfied with them. I think maybe you elicited the  
3 answer.

4 Put your next question.

5 He said he spoke to him on the phone, in  
6 response to your question as to whether anybody was there.  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SOUTHERN DISTRICT COURT REPORTERS

UNITED STATES COURT HOUSE

FOLEY SQUARE, N.Y., N.Y. 10007 TELEPHONE: CORTLAND 7-4580



Tk4pm  
Carroll

1 mmd

C. Crawford-cross

661a

331

2 Q Did you come to learn later whether Turner was  
3 an informer for the Federal Bureau of Investigation?

4 A YES, sir.

5 Q Now, when you testified this morning on direct  
6 examination, you testified to alleged conversations that you  
7 had with many people over this period of time. Is that  
8 correct?

9 A YES.

10 Q Without going into any of the conversations and  
11 without going into any of the conversations and without  
12 saying what the contents of them were, are there any other  
13 conversations that you now remember that you didn't testify  
14 to this morning?

15 A I don't have any recollection of them.

16 Q Excuse me?

17 A I don't have any recollection of them.

18 Q So that whatever you did testify to directly  
19 concerning conversations with the various people that you  
20 testified you had conversations with, those are all the  
21 conversations that you remember?

22 A What Mr. Kenney asked me this morning, the  
23 questions he asked me, if I knew I answered them; if I didn't  
24 know, I didn't answer them.

25 Q And you have no more recollection of any other

1  
2 conversations than you testified to?

3 A He didn't ask me any more. I only answered  
4 what he asked me.

5 Q Do you have any, without divulging any, are  
6 there any other conversations now that you remember concern-  
7 ing the incidents that you testified to this morning?

8 MR. KENNEY: Objection. Could we fix a time?

9 THE COURT: I assume any time from January to  
10 April 5th. You asked him questions about certain conver-  
11 sations. I gather from the witness' answers that he has  
12 related all the conversations that he could recollect in  
13 answer to your specific questions. He is now being asked  
14 does he recollect any other conversations relating to this  
15 incident that he has not so far related and outside the  
16 scope of your questions.

17 MR. KENNEY: I would not object to that question,  
18 but my understanding, Mr. Martin asked him does he remember  
19 any conversations during that three or four month period of  
20 time that he didn't testify to this morning.

21 THE COURT: Aside from the ones you spoke to him  
22 about, if he remembers, yes, if he doesn't remember, no.

23 THE WITNESS: If you ask me a question that  
24 Mr. Kenney didn't ask me, I will tell you if I remember.

25 MR. MARTIN: May I ask to have my question read

back?

THE COURT: Well, maybe you'd better reframe the question, so much has gone by since the time you asked. Put the question again, Mr. Martin.

Q Mr. Kenney questioned you this morning on direct examination concerning events that transpired, alleged events that supposedly happened between January and April, 1973.

Do you remember that?

A Yes.

Q And during the course of the questioning by Mr. Kenney he asked you about conversations that you supposedly had with individuals. Do you remember that?

A I remember what he asked me this morning.

Q Now, in addition to those questions that Mr. Kenney asked you about conversations with these people, do you now remember anything else that was said between you and them about these events?

A I don't have any recollection, but what Mr. Kenney asked me, if I remembered, I answered them. So if you ask me a question that Mr. Kenney didn't ask me, if I remember, I will tell you.

MR. MARTIN: May the witness answer the question?

THE COURT: I think he has.



1  
2 Q That Cadillac car that you sold to Frank, in  
3 whose name was it registered?

4 A Sally Express.

5 Q Can you tell us who Sally Express was?

6 A Sally Express is a trucking company. Sally is  
7 my daughter and my mother's name.

8 Q Are you the owner of this trucking company?

9 A My wife was the owner until we abandoned it.

10 Q When did you have this trucking company going?

11 A From 1968 until '72.

12 Q Was this a front for your hijacking?

13 A No, it was a corporation.

14 Q What did you do with it? What was this trucking  
15 about?

16 A I hauled plastics for a firm I worked for, and  
17 when I retired working for them, I had another account that  
18 I did work for.

19 Q Was this during the period that you testified  
20 before that you were working for this other company?

21 A No. Before I went to work for construction I  
22 was in the trucking business.

23 Q When you went to work for the construction  
24 company did you then give up the trucking?

25 A I gave up the trucking.

Q When you sold the car did you sign it with the name of that company?

A It was signed by the president of the company.

Q And the president of the company was you?

A No, my wife.

MR. MARTIN: Will you bear with me a moment, your Honor? I want to check my notes.

Q Mr. Crawford, do you remember what you did on March 17, 1973?

A March --

Q YES, March 17, 1973.

A What day was it? A weekday?

Q March 17, 1973.

THE COURT: St. Patrick's Day?

Q Yes.

A We didn't work. We took off that day.

Q Doyou remember anything you did that day?

A No.

Q Do you remember anything you did on March 27, 1973?

A Yes.

Q What do you remember about March 27?

A That was the week that we started to hijack --

MR. MARTIN: Excuse me. May I limit the witness



1 to that specific date?

2  
3 THE COURT: He wants to know what you  
4 specifica-ly did on that date, not the whole week.

5 A That day, the 27th, I picked up Terry, Geoffrey  
6 and Harry at Mets Motel and took them to Eighth Avenue and  
7 either 49th Street or 50th Street to pick up his car.

8 Q What did you do on March 25, 1973?

9 A March 25? I didn't do anything. I was home.  
10 It was a Sunday.

11 Q Do you have any recollection of anything you did  
12 that day about anything?

13 A I always stayed home on Sunday.

14 Q Excuse me?

15 A I always stayed home on Sunday.

16 Q Do you remember what you did at all?

17 A No, nothing in general.

18 Q Do you remember what you did on April 10 of 1973?

19 A It was a weekday. I was working if the weather  
20 was nice.

21 Q I'm asking you on that specific day, April 10,  
22 do you have any recollection of any one thing you did on that  
23 day?

24 A No.

25 Q There is no question in your mind you saw the

same police car the same place on two different days?

A No, sir.

MR. KENNEY: Objection. There is no testimony he said it was the same police car.

THE COURT: He said he saw a police car at the same place. You mean the same one?

MR. MARTIN: I asked him if he saw the same one. He said yes.

THE COURT: I will leave it to the jury whether it is the exact same police car or a police car which could have been a different car.

MR. MARTIN: I believe the witness said it was the same one. That is why I asked him again.

THE COURT: Go ahead.

Q Was it in fact, the same one?

A I can't say that. It was a police car. I did not look at the number. All I know, it's a police car with a light on top.

Q Now, isn't it a fact, Mr. Crawford, that by your testimony here now that you are giving this Court that you expect and hope that will influence the judge in sentencing you on the charges that you're charged with in this indictment?

A I don't understand when you say "influence."

MR. MARTIN: Question withdrawn.

Q Are you testifying now in the hopes that the judge will lessen your sentence when you come up to be sentenced under this plea you took in this case?

A Can I answer you the way they answered me when I took a plea?

MR. MARTIN: May I ask that the witness answer the question, please?

THE COURT: He wants to explain his answer. I will let him.

MR. MARTIN: On cross-examination?

THE COURT: I'm sorry. I think the question can't be answered yes or no.

MR. MARTIN: Question withdrawn.

THE COURT: I think the exhibit you put in evidence speaks for itself, doesn't it?

MR. MARTIN: I think there was more than that involved. That was back in September. He was granted immunity for testifying here.

THE COURT: He was granted immunity toward a Secaucus, New Jersey, event and aside from that, no immunity. You were here yesterday afternoon when that was signed.

Isn't it true that you refused to testify here  
un you were granted immunity in Jersey?



1 A No, sir.

2 Q It is not so?

3 A I didn't agree not to testify.

4 Q Didn't you tell Mr. Kenney you would not  
5 testify unless you were granted use immunity for New Jersey?

6 A No, sir.

7 Q You have not been sentenced yet, have you, on  
8 the plea that you have taken to this indictment?

9 A No, sir.

10 Q Do you know when your sentencing has been set  
11 for?

12 A Yes, I think -- I'm not sure.

13 Q Have you had any conversations with your lawyer  
14 or Mr. Kenney since September, 1973, concerning the recom-  
15 mendations to the court concerning your sentencing?

16 MR. GOLD: May I, your Honor, for a moment?

17 (Mr. Gold speaks to the witness.)

18 THE COURT: Go ahead, Mr. Martin.

19 MR. MARTIN: May I have the question read?

20 (Question read.)

21 A No.

22 MR. MARTIN: No further questions.

23 THE COURT: We will have a short recess.

24 (Jury and witness excused.)



1 THE COURT: Mr. Direnzo, Mr. Hafetz and  
2 Mr. Hopper, I would hope <sup>would</sup> counsel ~~to limit~~ to limit their  
3 cross-examination to matters not covered by Mr. Martin.  
4 He has been with the witness over an hour. Please don't  
5 repeat what another lawyer has brought out on cross-  
6 examination.  
7

8 MR. DIRENZO: There will be some areas,  
9 obviously, your Honor, which might sound repetitious.

10 THE COURT: I'm not going to hold you tight.  
11 You are an experienced attorney. You know what I'm talking  
12 about.

13 MR. HAFETZ: Judge, I've got an application with  
14 regard to the witness Chester Crawford and any of the  
15 other co-defendants who are going to testify for the  
16 government. I have already asked Mr. Kenney for 3500  
17 material and he says there is none. I think I am entitled  
18 under Brady and that line of cases not only to any statements  
19 that were reduced to writing by any law enforcement agent or  
20 government attorney, but also any oral statements which in  
21 any way contradict or are inconsistent with the testimony  
22 given by the witness from the stand which the prosecutor  
23 knows of. I think that is material on credibility.

24 Now, under the Brady line of cases I think the  
25 government has an obligation.

1 THE COURT: I understand from Mr. Kenney's  
2 answers to the motion that were made last August that he  
3 understands his obligation under Brady, and to that extent  
4 he will comply with them.  
5

6 (Recess taken.)

7 (During the recess the following took place:

8 MR. KENNEY: I am giving to defense counsel a  
9 three page statement dated June 18, 1972, written by  
10 myself in which I questioned a woman named Maria Vasquez  
11 and she gave answers. Although it is dated 1972, it was,  
12 in fact, taken in June 1973.)

13 (Continued on next page.)  
14

Tk 5

foll.

5pm

Carroll

xxx

jkd

C. Crawford-cross

672a

342

THE COURT: Mr. Direnzo.

CROSS-EXAMINATION

BY MR. DIRENZO:

Q Mr. Crawford, you were asked a number of questions this morning by Mr. Kenney and you made answers to those questions, is that correct, sir?

A The questions he asked me, I answered them.

Q You answered. And he asked you questions about occurrences on particular dates and you answered those questions, is that correct?

A Yes, sir.

Q And he asked you questions about particular places and you answered those questions, is that correct?

A Yes, sir.

Q And he asked you questions about specific times and you answered those questions, is that correct?

A Yes, sir.

Q Now, with reference to the questions that you were asked today and the answers that you gave, I take it that you gave that information to Mr. Kenney before you testified here today, is that correct?

A I don't understand what you mean.

Q The questions that were put to you and the answers which you gave, all of that information, you gave

1 that to Mr. Kenney, did you not, before you took that witness  
2 stand?  
3

4 A Yes.

5 Q And if I understood your testimony correctly,  
6 you said you only met with Mr. Kenney on three or four  
7 occasions?

8 A Maybe three or four occasions, no more.

9 Q Now, when you were giving this information to  
10 Mr. Kenney, I take it you were giving it to him at the  
11 United States Attorney's offices or somewhere else, is that  
12 correct?

13 A That's right.

14 Q Was it at the United States Attorney's office  
15 and someplace else?

16 A No. United States Attorney's offices.

17 Q And when you were giving him this information  
18 was anybody else present besides Mr. Kenney?

19 A Postal inspector.

20 Q Do you recall specifically who the postal  
21 inspectors were?

22 A No, sir.

23 Q And you don't know their names to this date, is  
24 that correct?

25 A It was probably a different one every time.



1           Q       When you were giving this information to  
2  
3       Mr. Kenney, was Mr. Kenney making notes or writing on a pad  
4       or a paper or book?

5           A       Possibility. He was figuring with a pencil. It's  
6       a possibility. I don't know.

7           Q       Well, can you tell us, if you know, Mr. Crawford,  
8       whether he was writing as you were talking to him?

9           A       Possibility. But I --

10          Q       Possible?

11          A       It's possible he was writing, but he didn't ask  
12       me to sign anything.

13          Q       I see. And can you tell us whether any postal  
14       inspector was writing down anything while you were talking?

15          A       No.

16          Q       You can tell us now that no postal inspector  
17       wrote anything while you were talking, is that your testimony,  
18       sir?

19          A       The testimony, the postal inspector was sitting  
20       there, was just sitting there; he wasn't writing down any-  
21       thing.

22          Q       Now, if you know, was there any kind of a  
23       recording machine taking down what you were saying to  
24       Mr. Kenney and what Mr. Kenney was saying to you?

25          A       If it was, I didn't see it, and I didn't know

anything about it.

Q And you wouldn't be aware of it, right?

A But I don't think so.

Q And there was no stenographer present writing down questions and recording your answers either in long-hand, shorthand or on a stenotype machine, is that correct?

A That's correct, that wasn't any there.

Q On how many occasions did you, if you did, repeat this story to Mr. Kenney?

A I don't remember. Maybe -- I don't know -- maybe two or three times.

Q Two or three times.

And all you saw him with was a pencil?

A Not all the time he was even doing that.

Q On one occasion you saw him with a pencil?

A Well, maybe twice, but I don't know what he was writing.

Q Now, on direct examination you testified that you took a plea to this particular indictment under one count which charged you with murder, is that correct?

A Yes, sir.

Q And you took a plea to murder in the second degree?

A Yes, sir.

Q And I think you testified on direct examination that it carried with it a maximum life sentence, is that correct?

A Yes, sir.

Q And at no time were you ever told what your sentence might be, no promises were made to you, correct?

A I was told that the sentence carries life, and I didn't expect any more.

Q So that as you sit in this witness chair now, is it your testimony that you expect a life sentence?

A No, sir, I hope not, but they didn't promise me anything.

Q Well, you were told that on the day of sentence that the United States Attorney would make a motion to dismiss the conspiracy count, correct?

A Right.

Q And you also know, and I'm sure you were told by your attorney, who is a very able one, that under the conspiracy count you could get a five year sentence and a \$10,000 fine; you were told that, weren't you, Mr. Crawford?

A No, sir.

Q You weren't told that?

A No, sir.

Q Were you told that under the robbery count you

1 could be in prison for 25 years; were you told that?

2 A No.

3 Q You weren't told that either. You had been  
4 told, however, that that count will be dismissed against  
5 you, correct?  
6

7 A That count and the conspiracy count they said  
8 would be dismissed at sentence.

9 Q You were told also, were you not, that the  
10 sentence for murder in the first degree is life imprisonment,  
11 correct?

12 A I was told -- I took a plea to second degree  
13 murder, in which case --

14 Q But you were told, were you not?

15 A I was told it carried from one to life.

16 Q Under Murder 2 you could get anything from one  
17 to life, is that what you were told?

18 A Yes, sir.

19 Q But under Murder 1 you could get a straight life  
20 sentence, is that correct?

21 A I don't know, sir. Nobody told me that.

22 Q But you were told under your plea you could get  
23 anything from a year to life?

24 A I was told under the plea that I accepted,  
25 I took, that I would get from one to life.



1 Q There is no doubt in your mind now that with  
2 reference to the Secaucus robbery, which you said, I think,  
3 brought in something over \$8,000, that you will not be  
4 prosecuted for, you were told that, too, weren't you?  
5

6 A Well, I was told -- I wasn't told. They gave me  
7 immunity on it.

8 Q You got immunity?

9 A Right.

10 Q You know what that means, don't you?

11 A Yes, I got immunity.

12 Q Is there any doubt that you were told you would  
13 get immunity for that crime?

14 A They told me. I got immunity.

15 Q Who told you?

16 A My lawyer got it. The Judge signed it.

17 Q Didn't the Judge tell you that?

18 A The Judge told me when he signed the order.

19 Q Well, you were told by a Judge in addition to  
20 your lawyer?

21 A Right.

22 Q Correct?

23 A Correct.

24 Q Now, with reference to --  
25

MR. DIRENZO: I don't mean to be repetitious here.

Q -- the ten year sentence and the three year sentence, the total time, the maximum time, if you did every day of that sentence, would be ten years?

A Ten years.

Q Correct; not 13 years. Ten years?

A Ten years.

Q Were you ever told that if a sentence is imposed under the plea which you took to murder in the second degree that that sentence would be concurrent with and run with the ten years that you were going to serve?

A No.

Q That you haven't been told?

A Nobody told me that.

Q Well, I know that Judge Metzner wouldn't tell you anything like that.

A This is the first time I heard it from you.

Q You are hoping that that happens, too, aren't you?

A I don't know what's going to happen.

Q I say, you are hoping, aren't you? You don't want to do extra time?

A I'm not hoping for anything. Whatever they'll

1  
2 give me, they'll give me.

3 Q You'd like to go to jail for life?

4 A No, sir. Nobody would.

5 Q You're testifying now because you want to help  
6 yourself, don't you?

7 A I didn't even know I was going to testify when  
8 I took the plea.

9 Q Well, nobody hit you over the head to force you  
10 to testify, did they?

11 A No. I agreed to testify if they needed me.

12 Q If they needed you. And then somebody came to  
13 you and said, "Chester, we need you," so you agreed to testi-  
14 fy because you are a public-spirited man, right?

15 MR. KENNEY: Object to this, if your Honor  
16 please.

17 THE COURT: Overruled.

18 A No.

19 Q Is that the reason, sir?

20 A No. I took a plea and I agreed if they needed  
21 me I would testify.

22 Q Now, you described -- oh, by the way, did you  
23 tell us that there were times when calls were made to, what  
24 was it, Maria Vasquez?

25 A Maria Vasquez.

1           Q       Vasquez. And sometimes calls came in when you  
2 weren't there and she gave you the message?  
3

4           A       Yes.

5           Q       She did. Is that true?

6           A       That is true. If somebody called me and I wasn't  
7 there, I wasn't there, I didn't live there -- if somebody  
8 called me, left a message, she would take it and if I called  
9 her she would give it to me and I called them back.

10          Q       Isn't it a fact that she never gave you a  
11 message?

12          A       She gave me every one that called. Every one  
13 that she took she gave it to me.

14          Q       Tell me, do you know whether Mr. Kenney spoke to  
15 Maria?

16          A       No, sir.

17          Q       Vazquez?

18          A       I don't know that.

19          Q       Do you know now that she said she never took a  
20 message for you?

21          A       Do I know --

22          Q       Now?

23          A       I don't understand the question.

24          Q       Do you know, as you sit in that witness chair,  
25 right at this moment, that Maria, your girlfriend, said she



1 never gave you a message?

2  
3 MR. KENNEY: Objected. It is based on facts not  
4 in evidence. Mr. Direnzo can call Miss Vasquez if he wishes.

5 THE COURT: I don't know if Mr. Direnzo has or  
6 he doesn't have what would justify the question, but if he  
7 <sup>put</sup> gives the question, I assume he has the proof.

8 MR. DIRENZO: Your Honor, I can only say to you  
9 it is predicated on 3500.

10 THE COURT: All right.

11 A If Maria --

12 MR. KENNEY: May we approach the bench on this?  
13 I don't think that is entirely accurate.

14 THE COURT: You may.

15 (At the bench.)

16 MR. DIRENZO: First, so there is no question  
17 about it, would your Honor care to look at the Vasquez state-  
18 ment? We just got that from Mr. Kenney.

19 THE COURT: What is it? Does it have a number?

20 MR. KENNEY: It doesn't, your Honor. It has  
21 just been turned over as Brady material. It is not a state-  
22 ment of any government witness, so it is not 3500 material.

23 MR. DIRENZO: I'm sorry. I thought it was 3500.  
24 Oh, Brady, you said Brady. I'm sorry. I stand corrected.

25 MR. KENNEY: It is notes I took when I spoke to

1       Mrs. Vasquez in June. Although the document indicates it is  
2       '72, it is actually '73. I gave it over to defense counsel.  
3       They are, of course, free, and we would be willing to  
4       subpoena Mrs. Vasquez to come in and testify, but I don't  
5       believe, unless they intend to call her, it is fair for them  
6       to question her. She, in essence, denies any involvement in  
7       the case or any knowledge of it.  
8

9               THE COURT: Well, I would sustain the objection.

10              MR. DIRENZO: All right, your Honor.

11              (Open court.)

12              Q       During this period of time you have been living  
13       with your wife, haven't you, Mr. Crawford?

14              A       Sure.

15              Q       It was just occasions when you would visit with  
16       Miss Vasquez, isn't that correct?

17              A       I go by there or I called her.

18              Q       Isn't it a fact that you were never at the  
19       276-6220 number when a call came in for you?

20              MR. KENNEY: Objection; same basis.

21              THE COURT: I will allow the question, but he is  
22       going to bound by the answer.

23              A       If someone called me, I was never there. She  
24       would take the message and give it to me.

25              (Continued on page 354.)

6pm

Carroll

Q Did Maria ever tell you that she never wanted any messages sent to her home for you?

MR. KENNEY: Objection, unless Mr. Direnzo indicates he is going to call her as a witness.

THE COURT: I will permit the question.

MR. DIRENZO: That is the last question in this area.

THE WITNESS: I don't understand.

THE COURT: Did Mrs. Vasquez ever tell you she didn't want any messages received at her home?

THE WITNESS: I don't recollect she ever told me that.

Q Now, you testified, I think, receiving a call from, was it, Terry, from Washington, D.C., and you subsequently met with him, going back in March?

A Yes. What time in March? I don't understand.

THE COURT: There are several of these conversations.

Q Let's talk about the first time you saw Terry. You called him, didn't you?

A No.

Q Well, there came a time when you met him in March, didn't you?

A Right.

Q Isn't it a fact, Mr. Crawford, that you showed Mann and Myers the route you said they should take down to Maiden Lane in connection with the mail theft?

A I don't remember.

Q You don't remember it?

A I showed who? Myers and Mann?

Q Yes.

A I went through there. I didn't show them nothing.

Q You just took a walk with them?

MR. HOPPER: I didn't hear the answer.

(Testimony read.)

Q As a matter of fact, Mr. Crawford, wasn't it in the early part of March at about 5:30 or 6:00 o'clock at night that you went together with Mann and Myers down to the Wall Street district?

A Early in March I didn't know Terry.

Q I beg your pardon?

A Early in March I didn't know Jerry and Terry.

Q It was the latter part of March when you met them?

A Right.

Q As a matter of fact, isn't the first stop you took them the Federal Reserve Bank?



2 A No, sir.

3 Q What?

4 A No, sir.

5 Q Is it a fact that you then went to the post  
6 office?

7 A I don't recall ever doing that.

8 Q Tell me, on that occasion, whenever it was, the  
9 latter part of March, whenever it was, did you take anybody  
10 to the post office?

11 A Yes, when the job was done, when I met all of  
12 them down there. When I met Terry, Geoffrey, this was after  
13 the 23rd.

14 Q And you showed them the bank?

15 A No.

16 Q You didn't do it?

17 A I took Terry, Geoffrey and Harry down there.

18 All of us met. I didn't show them anything.

19 Q You went down there with --

20 A I was down there with Mike McCloskey, Tommy  
21 Carroll, Billy and Jack, Terry, Geoffrey and myself.

22 Q And you never told them?

23 A Told who?

24 Q Myers and Mann that this was your caper or your  
25 job?

1  
2 A No.

3 Q Incidentally, have you seen Myers and Mann since  
4 you have been in custody?

5 A I only see them when I pass the bull pen. I  
6 don't lock in with them.

7 Q Do you talk to them at all?

8 A No.

9 Q Do you have an opportunity to compare notes as  
10 to testimony you are going to give and they may give?

11 A No.

12 Q As a matter of fact, didn't you tell Myers and  
13 Mann that you would supply the guns that were going to be  
14 used?

15 A No.

16 Q Well, did you supply the guns that were used?

17 A No.

18 Q Incidentally, the preparation of this ugly  
19 incident, there was some talk about a can of ether, I think  
20 you mentioned, on direct examination?

21 A Yes.

22 Q That can of ether, did you get it from Turner?

23 A I don't know where they got it from, but they  
24 had it in the car.

25 Q I beg your pardon?

1 A It was in Mike's car, with Carroll and Mike. I  
2 don't know where they got it from. I don't know who  
3 supplied it.  
4

5 Q Didn't you supply the ether and the guns to  
6 Mann?

7 A No.

8 Q Well, let me ask you this: you spent a lot of  
9 time with Turner, didn't you?

10 A I didn't know Turner more than -- I have known  
11 him about -- after the first week in March I met him with  
12 Carroll. I never knew him. I never even knew his right  
13 name.

14 Q Didn't you do the Secaucus stick-up for Turner?

15 A No, I was with Turner. I knew him as Jack. I  
16 was with Jack and Mike McCloskey.

17 Q You knew, did you not, that his wife is a  
18 registered nurse?

19 A I never knew that.

20 Q You didn't know that he got the ether from his  
21 wife? You didn't know that?

22 A No, I never knew his real name.

23 Q With reference to the Secaucus robbery, didn't  
24 you know that Turner had worked for this Werner outfit by  
25 whom DiGregorio was employed?

MR. KENNEY: The government intends to show the man's name was Rocco DiGeorgio.

Q Didn't you know that Turner had worked there and was fired and this was his way of getting even, in addition to getting money?

A I had no way of knowing it. I didn't know Turner. I knew him as Jack at the time. I knew him through Carroll.

Q Didn't you spend a lot of time with Jack Turner in the bar and drink with him?

A I don't drink, sir.

Q You don't drink at all?

A No.

Q Does Turner drink?

A I don't even know. I don't drink.

Q You don't know if Turner drinks?

A No.

Q Whenever you met with Turner you always met him at a bar?

A Not all the time. Carroll and Turner came to where I was working. I never met Turner without Carroll.

Q Incidentally, with reference to that Secaucus robbery, what was the date of that?

A I beg your pardon?



1  
2 Q What was the date of that robbery, the stick-up?

3 A I think it was on the 22nd.

4 Q The 24th?

5 A The 22nd.

6 THE COURT: Of March?

7 THE WITNESS: Of March.

8 Q You said you saw a trailer there and you hid in,  
9 a trailer around that time or used that as a surveillance  
10 point?

11 MR. KENNEY: Objection. There is no such  
12 evidence.

13 MR. DIRENZO: Then my hearing is worse than I  
14 thought it was, your Honor.

15 Q You tell us that in planning this robbery arrange-  
16 ments were made for the ether and the guns and the van?  
17 Why was the ether necessary?

18 A I don't have the least idea. That is what  
19 Terry told them that he wanted. I don't know.

20 Q Well, did Terry or anyone ever tell you that they  
21 wanted the ether to overcome the victims of the robbery  
22 after it was consummated so that they would not be hurt and  
23 would go to sleep for a while and they couldn't report the  
24 incident to the authorities immediately?

25 A I don't remember whether they ever said that or

1 not. I don't remember that conversation.

2  
3 MR. HOPPER: Your Honor, --

4 THE COURT: Please keep your voice up.

5 Mr. Hopper can't hear you.

6 Q So far as you were concerned, you never even  
7 inquired or asked about why the ether was necessary?

8 A I had no reason to, sir.

9 Q Incidentally, in this Secaucus robbery, did you  
10 see guns actually being used?

11 A Not where I was at in the car, but they had  
12 guns.

13 Q They had guns?

14 A Yes. I could see them in the street, but that  
15 far away I couldn't tell. They didn't have a gun out like  
16 that (demonstrating), but I saw them at the man's car.

17 Q You gave them those guns, didn't you?

18 A No.

19 Q Turner gave them the guns?

20 A No.

21 Q You never saw the guns, though?

22 A I saw the guns.

23 Q You described the manner in which the prepara-  
24 tions for this robbery were being made. Is it a fact that  
25 among you fellows that were preparing for this robbery it

1 had been agreed that nobody should get hurt?

2 A I don't understand. Which robbery are you  
3 talking about, sir?

4 Q The post office where Hickey was killed.

5 A I didn't plan it, but nobody wanted anybody  
6 killed.

7 Q You didn't plan it, Mr. Crawford? Did somebody  
8 else plan it? Yes or no?

9 A I'm sure somebody else planned it.

10 Q Did you hear anybody plan it?

11 A I was there when they were discussing it.  
12 Everybody was discussing it, how it was supposed to be  
13 done.

14 Q Did Terry and Mann state that they wanted the  
15 other because they wanted to make sure they didn't want to  
16 hurt anybody?

17 A He didn't explain that in detail; he just told  
18 them what he needed, and Carroll said, "I will get it." He  
19 didn't say he will get it from Jack Turner or not.

20 Q By the way, did anybody ever tell you or suggest  
21 to you, whether it be FBI agents, postal inspectors,  
22 federal authorities, they have to put Tommy Carroll in in  
23 this case?

24 A No.

Q You are sure about that?

A Sure.

Q You wouldn't tell an untruth, would you?

A I wouldn't tell an untruth, I'm sure.

Q And you would never tell a lie?

A Not about that.

Q At any time during what little planning you heard about this case, did you ever hear anybody say, "Make sure we kill these two guys?"

A No.

Q Never?

A Never.

Q The fact is, you didn't want to see anybody get hurt?

A I don't want to see anybody get hurt, but no one ever told me that.

Q Incidentally, getting back to April 5th, on that particular day had you had some trouble with a man that was working for you?

A No.

Q Did you ever state to anyone, anyone, that you thought he was informing on you?

A Who was informing on me?

Q A man who was working for you.



THE COURT: You mean, the construction company?

A Nobody worked for me. They worked for the company and I was their foreman.

Q Did you ever say to Mann and Myers whether they would hit a guy for you, did you, on the 5th of April?

A No.

Q By the way -- I'm a little bit ahead of myself--  
Do you know what I mean by "hitting" a guy for you?

A I guess you mean punching him in the nose or something.

Q Oh?

A What do you mean by it?

Q Do you know what "hitting" a man is?

A I hear talk about it, but I don't know actually what they are supposed to do.

Q Are you saying that you don't know in the parlance of your profession as a hijacker that you don't know what it means to "hit" a man?

A No.

Q Doesn't it mean to shoot him in the head?

A I wouldn't know, sir. I never heard nobody tell me that.

Q You wouldn't know that?

1 A Nobody has ever told me.

2 Q And you wouldn't tell an untruth to this jury,  
3 would you? You wouldn't do that?

4 A No.

5 Q It is a sin to lie, right? And you wouldn't  
6 commit a sin? You wouldn't violate the commandments, would  
7 you?

8 Did you take a trip to Pennsylvania?

9 A Yes.

10 THE COURT: Keep your voice up, Mr. Crawford.

11 THE WITNESS: When was I supposed to take a  
12 trip to Pennsylvania?

13 Q I asked you if you took a trip to Pennsylvania.

14 A I took a trip to Pennsylvania.

15 Q You went up the turnpike --

16 MR. KENNEY: Will you fix a date?

17 THE COURT: I suppose it is the time he  
18 testified to on direct examination.

19 Is that right, Mr. DiRenzo?

20 MR. DIRENZO: Yes.

21 THE WITNESS: We went out Route 46 to Route 80  
22 to Pennsylvania.

23 Q You were going to a car stop, correct, or a  
24 truck stop?

1  
2 A I didn't know where was going when we started.

3 Q When you got to the place you wanted to go to  
4 you discovered it was a truck stop?

5 I withdraw the question.

6 Do you know what a truck stop is?

7 A Well, I don't know exactly. It is a truck  
8 stop. It was a restaurant and a lot of cars and a lot of  
9 trucks.

10 Q And the trucks pull in there?

11 A Yes.

12 Q And you knew or you learned from Mr. Turner,  
13 did you not, that that used to be one of the <sup>W</sup>erner  
14 stops, the same outfit that was stuck up in Secaucus, did  
15 you learn that?

16 A Turner didn't say where he was going to.  
17 Carroll said, "We're going to Pennsylvania."

18 Q Carroll said that, too?

19 A He said he was going to. Turner showed us.  
20 All of us went together.

21 Q Tell us, Mr. Crawford, didn't Turner tell you  
22 you were going to get a trailer load of cigarettes that you  
23 were going to hijack?

24 A Well, that is what they were supposed to go  
25 there for, but they didn't get anything.



Q That you would know about, hijacking, because that is your chief stock in trade, right?

A No, sir.

Q What?

A No, sir.

Q You don't hijack, do you?

A No.

Q No more?

A How can I?

Q Since you are in jail how can you, of course. What a stupid question for me to ask.

THE COURT: The sarcasm has gone far enough and the laughter you evoked from the audience is ~~not~~ quite successful. I suggest you get down to the merits of the case.

MR. DIRENZO: I thought I was doing that.

THE COURT: No, I don't think so.

Q Incidentally, you told us about all the crimes you were convicted of? Is that correct?

A Yes, sir.

Q Those are the crimes for which you were caught? Right?

A The only crime I ever did --

Q Every time you committed a crime you always got



1  
2 caught? Is that right?

3 MR. KENNEY: Objection.

4 (Mr. Gold talks to the witness.)

5 MR. KENNEY: Your Honor, could Mr. Gold be  
6 identified for the jury?

7 THE COURT: Mr. Gold happens to be the  
8 attorney for Mr. Crawford in this case.

9 MR. DIRENZO: Is there an outstanding question  
10 on the record, your Honor?

11 THE COURT: There has been an objection made.

12 MR. GOLD: Well, your Honor, the witness, who  
13 is not the most articulate of persons, wishes to assert  
14 his privilege.

15 THE COURT: I sustain the assertion of the  
16 privilege.

17 Q You refuse to answer that question?

18 THE COURT: I sustained the privilege.

19 Next question.

20 MR. DIRENZO: Your Honor, you are right and I  
21 am wrong. I apologize.

22 THE COURT: Well, on that encomium of  
23 Mr. Drenzo's, and it being 4:30, we will adjourn.

24 Return tomorrow morning at 10:00 o'clock.

25 (Whereupon, an adjournment was taken to  
December 13, 1973, at 10:00 a.m.)

WITNESS INDEX

<u>Name</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
Chester Crawford	203	287		

EXHIBIT INDEX

<u>Defendant</u>	<u>Identification</u>	<u>In Evidence</u>
Vincent McCloskey		
A		295

2 UNITED STATES OF AMERICA

3 -v-

73 Cr. 855

4 THOMAS J. CARROLL, et al.

5 -and-

6 UNITED STATES OF AMERICA

7 -v-

73 Cr. 972

8 WILLIAM E. CLOSKEY, et ano.

9 December 13, 1973  
10 10:10 a.m.

11 (Trial continued.)

12 (Jury not present.)

13 THE COURT: Mr. Kenney.

14 MR. KENNEY: Yes, your Honor.

15 We request that the Court ask Mr. Direnzo to  
16 stay behind the podium. Yesterday he was badgering the  
17 witness to a great extent and approaches within a few inches  
18 of him. We didn't want to object before the jury to that.

19 THE COURT: Well, he doesn't have to stand behind  
20 the podium, but don't get too close to the witness,  
21 Mr. Direnzo.

22 MR. KENNEY: We would also ask that the Court  
23 restrict the questioning as to what notes Mr. Kenney took in  
24 his office and the reason for that is because Mr. Kenney is  
25 here. I have also turned over extensive 3500 material,

including every scrap of paper relating to any witness on this case.

I am prepared to get on the stand in the absence of the jury and testify as to what 3500 material I have turned over.

The inference drawn is when a witness testifies "Yes, Mr. Kenney took notes on this day and that day and so many days," that the defense counsel do not have these notes and it is an invitation for us --

THE COURT: It doesn't make any difference, Mr. Kenney, because under the ruling of the Second Circuit, even 3500 material is to be turned over in the absence of the jury so the jury doesn't know that you have turned material over to them.

MR. KENNEY: I am saying, your Honor, that Mr. Durenzo's questioning on this point is an invitation to the Assistant to get up and say before the jury that these notes were --

THE COURT: I don't think so.

MR. KENNEY: There is no purpose to this questioning.

THE COURT: Mr. Kenney, I don't think so. I disagree with your interpretation because you couldn't get on the stand and tell you turned 3500 material over.



2 MR. KENNEY: I don't suggest that. I am repre-  
3 senting to the Court I have turned all the material over.

4 THE COURT: I understand that.

5 MR. KENNEY: If that is not sufficient, I will  
6 be happy to get on the stand in the absence of the jury and  
7 testify.

8 THE COURT: Absolutely not. This is a standard  
9 method of cross-examination as to what you did. What you  
10 are saying is, if that is true, then "the jury is entitled  
11 to know that I gave Mr. Direnzo everything I had," but the  
12 Second Circuit says you are not supposed to let the jury  
13 know you turned it over because if you did, then they would  
14 say, "Well, why didn't you ask them?"

15 MR. KENNEY: Your Honor, that is not the point  
16 I am trying to make.

17 THE COURT: I understand your point, Mr. Kenney.

18 MR. KENNEY: My point is these questions are not  
19 asked in good faith whereas the questions --

20 THE COURT: They happen all the time,  
21 Mr. Kenney, all the time.

22 MR. KENNEY: We ask the Court, in its discretion,  
23 to limit the questioning in this point.

24 THE COURT: I assume he is finished with it,  
25 anyhow.

2 MR. KENNEY: There will be many more witnesses,  
3 your Honor.

4 MR. DIRENZO: First of all, if your Honor  
5 please, when Mr. Kenney says they are not being asked in  
6 good faith, he is in complete error, because any question I  
7 ask, I ask in good faith.

8 I only made a mistake on one question and your  
9 Honor corrected me and I apologized for it.

10 I would say this: with reference to the state-  
11 ment that Mr. Kenney is making, I would ask that the parti-  
12 cular notes and 3500 material which he gave us on Crawford  
13 be delivered to the Court and while not available to the  
14 jury, just be marked for identification, to show how meager  
15 the notes on Mr. Chester Crawford were.

16 Now, the point that I made --

17 THE COURT: Wait a second.

18 MR. DIRENZO: The point that--

19 THE COURT: Wait a second.

20 MR. KENNEY: There is no requirement that we keep  
21 extensive notes, your Honor.

22 THE COURT: First of all, we are wasting a lot of  
23 time. I have ruled.

24 MR. DIRENZO: All right, your Honor.

25 THE COURT: Second of all, I assume Mr. Kenney

has marked in the record for identification all of the 3500 material that has been turned over. If he has not, Mr. Kenney, you should do so at the end of the day.

MR. KENNEY: Yes, your Honor.

MR. DIRENZO: It has not been marked, your Honor.

MR. KENNEY: It has been marked, and each one has been marked as an Exhibit, but it has not been put on the record. It has been turned over prior to the trial.

THE COURT: All right.

Bring the jury in. Let's proceed.

(Jury present.)

CHESTER CRAWFORD, resumed.

THE CLERK: Mr. Crawford, the Court wishes you to know that you are still under oath.

You may be seated.

THE COURT: All right, Mr. Drenzo.

CROSS-EXAMINATION

BY MR. DIRENZO (Continued)

Q Good morning, Mr. Crawford.

A Good morning, sir.

MR. DIRENZO: I only have a few more questions.

Q After leaving the witness stand last night, Mr. Crawford, did you have occasion to speak to anyone in the United States Attorney's office or postal inspectors

2 concerning the testimony you gave here yesterday?

3 A I spoke to my lawyer and the U. S. Attorney.

4 Q By the way, do you know a special agent assigned  
5 to the Federal Bureau of Investigation by the name of  
6 Garber?

7 A Yes, sir.

8 Q Did you make any statement to Mr. Garber at any  
9 time concerning this particular case?

10 A No, sir.

11 Q Now, can you tell us, only if you know,  
12 Mr. Crawford, whether Agent Garber was sitting in this court-  
13 room yesterday?

14 MR. KENNEY: We object, your Honor, unless --

15 THE COURT: Sustained.

16 Q One other question: do you have a son who has  
17 been and is still employed in the Post Office of the United  
18 States?

19 A Yes, sir.

20 Q How old is he, please?

21 A 23.

22 MR. DIRENZO: Thank you, Mr. Crawford.

23 THE COURT: Mr. Hafetz.

24 (Continued on page 374.)  
25



## CROSS-EXAMINATION

BY MR. HAFETZ:

Q Mr. Crawford, I represent Robert Rippy.

You testified yesterday that you had made a telephone call sometime in March of this year to Mr. Rippy, is that correct?

A Yes, sir.

Q And where did you make that telephone call from?

A I called him from my house.

Q That is in Queens?

A In Queens.

Q And where did you get Mr. Rippy's telephone number from?

A I got it from my sister-in-law who lives in Washington.

Q When was the last time prior to that telephone call that you had seen Mr. Rippy?

A Maybe a year.

Q About how many times in your life had you met Mr. Rippy prior to that telephone call?

A Maybe four or five times.

Q You testified yesterday to a series of meetings, conversations in New York from a period of January 1973 through April of 1973.

Was Mr. Rippey ever present in New York during any of those meetings or conversations, to your knowledge?

A No, sir.

Q Is your answer that he was not present?

A He was not present.

Q At the time when you made that telephone call to Mr. Rippey, did you have in your possession your brother Paul's telephone number in Washington?

A No, I didn't have Paul's phone number. I don't even think he had one.

Q You testified yesterday at some point, on March the 23rd of this year there was a statement made, "Well it is off."

Someone said, "Well, it is off," and Myers and Mann went back to Washington, is that correct?

A I don't understand the question.

Q Did there come a point March 23rd when Myers went back to Washington and Mann went back to Washington?

A They went back on the 24th.

Q The 24th?

A Right.

Q And before they went back, was the statement made, "Well, it is off"?

A I don't recall that.

Q Well, when they went back, was your understanding that the deal was off?

A When they went back, the day they went back, I never actually saw them personally, but they came where I was at, and I gave my brother \$20 and they left, but I didn't actually talk to them.

Q Was your understanding that they were not coming back?

A No. I didn't even speak to them that day.

MR. HAFETZ: I have no further questions.

Excuse me, Judge, may I have just one moment?

THE COURT: Yes.

(Pause.)

MR. HAFETZ: No further questions.

THE COURT: Mr. Hopper.

**CROSS-EXAMINATION**

**BY MR. HOPPER:**

Q Mr. Crawford, yesterday you testified that you worked for the Wiggins Construction Company; is that correct?

A Yes, sir.

Q What type of business are they in?

A Construction.

Q What kind of construction?

A They remodel buildings and they put up churches

SOUTHERN DISTRICT COURT REPORTERS

UNITED STATES COURT HOUSE

FOLEY SQUARE, N.Y., N.Y. 10007 TELEPHONE: CORTLANDT 7-4580

2 and temples.

3 Q And your position with them was assistant fore-  
4 man and on occasion a foreman?

5 A I was supposed to be assistant foreman.

6 Q When jobs were in progress, was it part of your  
7 function to order the number of men you needed?

8 A No, sir.

9 Q Did you have to read blueprints?

10 A No, sir.

11 Q What was your position in Sally's Express  
12 Company?

13 A I only worked for them. I just worked for  
14 Sally's Express.

15 Q Wasn't there a time when you were an officer of  
16 that company?

17 A No, sir.

18 Q For how many years did you have your own trucking  
19 business?

20 A Well, it belonged to my wife. I was working for  
21 a firm and that trucking company did the work for the firm.

22 Q You mean you were carrying their freight?

23 A No. I was a traffic manager for the firm and the  
24 trucking company did the work with somebody else. I didn't  
25 do it personally.



2 Q How long were you traffic manager?

3 A 20 years.

4 Q How many pieces of equipment did that company  
5 have?

6 A We had three trucks.

7 Q And you were in charge of routing of all of  
8 those trucks?

9 A I don't -- I will explain this to you. I was a  
10 traffic manager for a plastic concern that I worked for.  
11 Sally's Express did their trucking. I worked as a traffic  
12 manager for Elrene Manufacturers.

13 THE COURT: Pardon me, Mr. Hopper.

14 I understand, then, that you were not in the  
15 trucking part of the operation or the delivery part of the  
16 operation; you were with the manufacturer and outside  
17 companies carried the merchandise for delivery?

18 THE WITNESS: Right.

19 Q Now, Mr. Crawford, you indicated yesterday, if I  
20 am correct, that the first day you spoke to Mr. Kenney or any  
21 government official in connection with this case was on the  
22 day following your plea; is that correct?

23 A That is the day I spoke to him --

24 Q Pardon?

25 THE COURT: Keep your voice up.

1 A If I recall, that's the first time that I had  
2 actually spoken to Mr. Kenney.

3 Q What do you mean by "actually"?

4 A Well, I hadn't -- he hadn't called me to his  
5 office for any interviews before that.

6 Q Did you plead guilty in this case on, what was  
7 it, September 17th?

8 A I think that is the date, sir.

9 Q Then your first conversation with Mr. Kenney  
10 would have been on the 18th?

11 A I beg your pardon?

12 Q Then your first conversation with Mr. Kenney  
13 would have been September 18, 1973; is that correct?

14 A Well, I took a plea on the 17th. I don't recall  
15 whether Mr. Kenney called me the next day or not.

16 Q You mean it might have been a day or two later?

17 A It could have been.

18 Q But it would have been later than September 17,  
19 1973?

20 A Yes, it would have been later.

21 Q Let me draw your attention to the meeting with  
22 Mr. Kenney. When you first walked into his office and dis-  
23 cussed the case, did you narrate the entire story as you did  
24 on the stand here yesterday?

2 A First meeting with Mr. Kenney, no.

3 Q What took place at the first meeting?

4 A Well, he spoke to me about certain things, parts  
5 of this case, and he talked and I talked and that was it.

6 Q Now, am I correct that that would have been your  
7 first discussion with anyone since your arrest, about this  
8 case?

9 A Yes, sir.

10 Q Did Mr. Kenney supply you with details of dates  
11 of events in connection with this case?

12 A No, sir.

13 Q Did you make notes of the events at the time  
14 this crime was committed?

15 A No, sir.

16 Q What was the date you received the ten years  
17 sentence?

18 THE COURT: We have been over this several time  
19 now. He can't tell you the exact date.

20 A I don't remember the exact date, sir.

21 Q Well, then, tell me, Mr. Crawford, from what  
22 source did you arrive at the specific dates that you testi-  
23 fied to yesterday?

24 A Well, I went back to the date that I had called  
25 Rippy and the day that Paul and Terry came here, and I know  
which date it was and what day it was of the week.

SOUTHERN DISTRICT COURT REPORTERS

UNITED STATES COURT HOUSE

FOLEY SQUARE, N.Y., N.Y. 10007 TELEPHONE: CORTLANDT 7-4580



Carroll

2 Q How did you determine that?

3 A Because it was Sunday when I called, it was the  
4 third week in March when I called Rippy on a Sunday. They  
5 came up here on Monday, which was the 20th.

6 Q Mr. Crawford, you said yesterday that in January  
7 you met with three men, I believe James Dixon, a man by the  
8 name of Boyd and Lee; is that correct?

9 A Yes, sir.

10 Q Where did you meet them?

11 A I met them at South -- South Street and Maiden  
12 Lane.

13 Q On that occasion, did you explain to them the  
14 details of an intended robbery of a postal truck?

15 A No, sir.

16 Q Mr. Crawford, yesterday Mr. Direnzo asked you if  
17 you toured the route of this trip, postal trip, with Myers  
18 and Mann, and I think your answer was that you did not.

19 I would like to ask this question of you: on  
20 March 21, 1973, after you met Terry Myers, did you, Terry  
21 Myers and your brother Paul, go over that route?

22 A I don't recall. We -- I don't recall going over  
23 no route with them, discussing anything concerning the mail  
24 job on the 21st.

25 Q On any date, did you, your brother Paul, and



1 Terry, go over the route where you explained to them the way  
2 this crime was going to be perpetrated?

3 A No, sir.

4 Q Would you change that answer if I informed you  
5 that in a statement your brother gave on June 8th of 1973  
6 he stated that on March 21st, you took him and Terry Myers  
7 over the entire route that this truck was going to take and  
8 explained the method that was going to be used and you were  
9 seeking their opinion as to the best site to hit the truck?

10 A I don't think I discussed that with him.

11 Q Well, are you now saying you are unclear as to  
12 whether you did?

13 A I didn't discuss that with Paul and Terry.

14 Q Mr. Crawford, you mentioned many, many meetings  
15 which you had with Myers, Mann, the other defendants in this  
16 case. Many of those were in public places; were they not?

17 A Some of them was in public places.

18 Q Is it fair to assume that from time to time  
19 portions of your conversations were unrelated to criminal  
20 activities?

21 A I don't understand that.

22 Q Well, you were with this group, you were planning  
23 a crime, you meet in a delicatessen, in a bar.

24 Was your conversation always solely limited to  
25

1 the commission of this crime? Did you ever discuss a ball-  
2 game or innocent things?  
3

4 A We would only meet in a restaurant or in the  
5 bar for one reason, to meet each other, get each other  
6 together.

7 Q What if a bartender approached where you were  
8 seated, you didn't change the subject and discuss something  
9 innocent?

10 A We was never in a bar where a bartender came to  
11 us.

12 Q Mr. Crawford, drawing your attention to April 5th  
13 at Katz' delicatessen, can you tell me who arrived with you  
14 at the restaurant?

15 A When I came to the restaurant, who was with me?

16 Q Yes.

17 A Terry, Geoffrey and Harry.

18 Q Terry, Geoffrey and Harry?

19 A Yes.

20 Q About what time would that have been?

21 A It was around 2:00 o'clock. Between 2:00 -- a  
22 little after 2:00. I'd say around 2:00 o'clock.

23 Q When next did anyone arrive after you?

24 A Well, we left there and we went and parked  
25 Terry's car.

2 Q Then there came a time that you returned to  
3 Katz' delicatessen?

4 A Right.

5 Q Who returned with you on that occasion?

6 A When I returned, Geoffrey and Harry was with me.

7 Q Was anyone else in the restaurant involved in  
8 this matter?

9 A Yes. Mike McCloskey, Tommy Carroll and Billy  
10 and Jack.

11 Q They were inside the restaurant?

12 A That's right.

13 Q Were they seated at a table?

14 A Right.

15 Q Did you tell us yesterday, Mr. Crawford, that  
16 you were at Katz' delicatessen and Tommy Carroll arrived and  
17 said to you, "Is everyone here?"

18 A When I went inside, Tommy Carroll was inside.  
19 I saw him when he pulled up and we pulled down there because  
20 we was parked close by.

21 They went in and we pulled down, walked in, went  
22 to the table where they were sitting. They said -- Tommy  
23 asked me, was everybody there. I says, "No, we have to pick  
24 up Terry."

25 Q Was William McCloskey at that meeting at Katz'

Delicatessen?

A Billy McCloskey was there.

Q Mr. Crawford, would you change that statement if I advised you that in a statement given by John Turner to postal inspectors on June 20, 1973, he did not place William McCloskey at that meeting?

A No, sir, I wouldn't change it.

Q Would you change your statement if I told you that in statements given by Terry Myers and Geoffrey Mann on June 7, 1973, to postal inspectors that they did not place William McCloskey in that restaurant on that day?

A No, sir, it wouldn't change my testimony.

Q Nor as a participant in this crime?

A No, sir, it wouldn't change my statement.

Q In your first meeting with Mr. Kenney, did you mention William McCloskey?

A I mentioned everyone was in this crime.

Q With the dates and places and your first meeting?

A Yes, sir. Not the first time I met Mr. Kenney. We went over a lot of details.

(Continued on page 387.)



Q Mr. Crawford, the evening you went to Pennsylvania, can you tell us the approximate time the group returned from Pennsylvania?

A The approximate time, between 7:00 and 8:00 o'clock in the morning.

Q What?

A It was between 7:00 and 8:00 o'clock when I reached Queens -- Mets Motel on Queens Boulevard.

Q 7:00 or 8:00 o'clock in the evening?

A Between 7:00 or 8:00 o'clock in the morning.

Q In the morning?

A Yes, sir.

Q For how long a period was this entire group together on that date and the preceding evening?

A From about 5:00 o'clock in the afternoon on Friday, the 30th, until the next day about between 7:00 or 8:00 o'clock.

Q In the morning?

A Yes.

Q William McCloskey was at that meeting, went to Pennsylvania, was with you during those hours?

A Yes. When he left us -- he didn't come back to the Mets Motel. He didn't come back to New York with us. He was --

Q What time did he leave your company on that date?

A I don't know. He left us in New Jersey someplace. They didn't --

Q Can you give me the approximate time?

A No, sir.

THE COURT: Was he in the car with you coming back?

THE WITNESS: No, sir, he was not in the car with me.

Q Well, what time did you last see William McCloskey with your own eyes on the 31st or the 30th?

A I don't know the approximate time, but I would say it was sometime around 4:00, 5:00 o'clock in the morning on Route 80.

Q Mr. Crawford, in the case that you were sentenced to ten years on, was that after trial or on a plea of guilty?

A After trial.

Q Is that case currently on appeal?

A Yes, sir.

Q I'm sorry, I didn't hear your answer.

A It is currently on appeal.

Q Mr. Crawford, this morning, Mr. Direnzo asked

you about a son. I'm afraid I didn't hear how old he was. How old did you say he was?

A I think he's about twenty-three or twenty-four.

Q Yesterday Mr. Martin asked you if you had any children and you said yes. He asked how old they were and you said ten months, six years and eight years.

A Right.

Q Was there some reason why you did not disclose that you had a son twenty- --

A I have a son and a daughter by first marriage. In the custody of those kids, the court gave them to their mother. I had them first and I gave them back to their mother and we stay apart. That's from my first marriage.

Q Mr. Crawford, let me read to you from the testimony at Page 281.

Mr. Martin asked you, "Do you have any children?"

"A Yes.

"Q How old are they?

"A Ten months, six years, eight years."

Do you recall that?

A Yes.

Q He didn't ask you about marriages. He asked

you whether you had children and how old they were.

A Right. But I never bring those two kids into my life now.

Q Mr. Crawford, you were asked yesterday by Mr. Durenzo whether or not you had asked Myers and Mann if they could do something, that you had somebody you wanted to hit, and your answer was that you never said anything of that kind to Myers and Mann; is that correct?

A I never told Myers and Mann I want them to hit anybody.

Q Did you have any conversation with them about hiring somebody to do a hit?

A No, sir.

Q Would you change that testimony if I informed you that Terry Myers and Geoffrey Mann, on June 7th of 1973, in statements to postal inspectors, said that you asked them if they could help you get somebody to hit one of your workers who was going to inform on you? Would that change your testimony?

A No, sir.

MR. HOPPER: I have no further questions.

THE COURT: Any redirect?

MR. KENNEY: Yes, your Honor.

REDIRECT EXAMINATION



BY MR. FENNEY:

Q Mr. Crawford, you testified you knew a man called Garrett Trapnell, is that right?

A Yes, sir.

Q And I believe you testified that you knew him in the Federal House of Detention on West Street in Manhattan, is that right?

A Yes, sir.

Q Can you tell us where he was in relation to your cell in that detention facility?

A He was Mike McCloskey's cell mate, him and Billy Williams.

Q And were you in that cell?

A No, sir.

Q Where was your cell in relationship to that one?

A Three cells away.

Q You testified that you know an FBI agent named Allen Garber, is that correct?

A Yes, sir.

Q And could you tell us when you first met Mr. Garber?

A In October '72.

Q And what were the circumstances of that meeting?

MR. DIRENZO: Objected to.

A He arrested me.

MR. DIRENZO: Objected to.

THE COURT: Overruled.

Q Would you tell us when the first time you had a conversation with Mr. Garber that was other than pleasantry or hello-goodbye conversation was?

A After October the 17th?

Q After you met him, when was the first time you actually had a conversation of some substance with him?

A Well, the first time I met him was in October '72. Then the second time I met him was three days later, when he come to visit me. Then I met him again when he came to visit me.

DEFENDANT CARROLL: I can't hear you.

THE COURT: Keep your voice up.

Do you want the answer read back?

DEFENDANT CARROLL: I would appreciate it, your Honor.

THE COURT: Read the answer back.

(Record read.)

Q The question is, would you tell us when you first actually talked to him or had a conversation with

him about some subject, without telling us what it was you talked about?

A I can't give you the date, but I can give you the approximate time.

After I had trouble in West Street, I called Mr. Garber's office.

Q And can you tell us, wat that before or after you were sentenced to ten years in jail?

A That was after I was sentenced to ten years in jail.

Q And when were you sentenced to ten years in jail?

A I think it was sometime in October -- I mean in August.

Q What year would that be?

A '73.

MR. KENNEY: Mr. Martin, may I see your exhibit?

MR. MARTIN: Which one?

MR. KENNEY: I think it is a letter agreement with this witness.

I have the original.

MR. MARTIN: I don't think I took it back.

MR. KENNEY: I have the original, your Honor. Does the Clerk have the exhibit?

THE COURT: You may use that for purposes of



redirect.

Q I show you a copy or the original of what has been marked as Vincent McCloskey's Exhibit A and ask you to take a look at that.

Can you tell us when you actually signed this agreement?

A 9/13/73.

Q And how do you know that is the date that you signed it?

A When I signed it, I put the date, the year and the month in.

Q And you signed it on the second page, is that right?

A Yes, sir.

Q And did you put your initials on the first page?

A Yes, sir.

Q Did you put the date on the first page?

A Yes, sir.

Q Do you have any other agreement with the Government other than what is written in that letter?

A No, sir.

Q Would you read the letter to the jury, please?

A I cannot see it that well because I don't have my glasses.



2  
3 MR. KENNEY: May I read this exhibit to the  
4 jury, your Honor?

5 THE COURT: You may.

6 MR. KENNEY: "Dear Mr. Gold:

7 "Your client, Chester Crawford, has indicated  
8 a desire to plead guilty to second degree murder, a  
9 crime punishable by a sentence up to life imprisonment,  
10 in satisfaction of the indictment in the above-entitled  
11 matter.

12 "The Government will agree to a severance and  
13 will accept such a plea following the trial of the co-  
14 defendants providing Chester Crawford testifies fully  
15 and truthfully as a Government witness at trial.

16 "As is our practice, we will consent to the  
17 dismissal of the open counts remaining in the indictment  
18 at the time of sentence and will make known to the  
19 sentencing judge the extent of the cooperation offered  
20 and given by your client.

21 "It should be clearly understood, however,  
22 that we consider the offense charged to be most serious  
23 and deserving of a very substantial term of imprisonment.  
24 We will take this position at the time of sentence.

25 "If your client desires to plead guilty to  
second degree murder with a full understanding of the

1  
2 Government's position as set forth above, kindly sign and  
3 have your client sign as indicated below."

4 We have no further questions.

5 THE COURT: You are excused.

6 MR. DIRENZO: May I have one question?

7 THE COURT: I'm sorry, there was nothing brought  
8 out on redirect that calls for recross-examination.

9 MR. DIRENZO: On redirect, the question he  
10 asked concerning this exhibit.

11 THE COURT: His redirect was brought out by  
12 your cross-examination. There is no recross-examination,  
13 Mr. Drenzo.

14 You are excused, Mr. Crawford.

15 MR. MARTIN: If your Honor please, I would also  
16 like to add my objection to that.

17 THE COURT: It was your exhibit. You could  
18 do with it what you wanted when you had it.

19 MR. MARTIN: No. There was testimony about  
20 Detective Garber that was new.

21 THE COURT: Brought out by Mr. Drenzo and  
22 by you. The name was brought out yesterday.

23 MR. MARTIN: Not to the extent, your Honor.

24 THE COURT: Sorry, you brought the name out.  
25 The Government was entitled to probe.

MR. MARTIN: We didn't know about the meetings.  
That was brought out now.

THE COURT: I have ruled.

Next witness.

MR. DIRENZO: Just on a legal issue, your Honor,  
and, of course, I will be bound by your ruling.

The only --

THE COURT: No, I don't want an argument. You  
have made the objection. I have ruled.

No. There is a jury here.

MR. DIRENZO: May I approach the bench?

THE COURT: Not now. You can do it later.  
You have made your objection. I have ruled.

(Witness excused.)

MR. KENNEY: Your Honor, we have a problem  
with our next witness and I have just sent Mr. Carey  
out to check to see who is out there, so can we have a  
short moment --

THE COURT: Is this going to have the same  
review of Fifth Amendment rights?

MR. KENNEY: No.

(Pause.)

MR. KENNEY: May we approach the bench, your  
Honor?

1 THE COURT: Yes.

2 (At the bench.)

3 THE COURT: What you are merely asking for is  
4 a slight recess.  
5

6 MR. KENNEY: That's right. I'm afraid it  
7 might disturb the proceedings, so I would have to talk  
8 to him first.  
9

10 THE COURT: All right.

11 (In open court.)

12 THE COURT: We will have a short recess.  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



Carroll

(Jury present.)

MR. KENNEY: The government calls Carlton Boyd.

MR. HAFETZ: Judge, may we approach the bench?

THE COURT: In the absence of the witness?

MR. HAFETZ: Yes. I just want to approach with counsel. I don't particularly care if the witness is here.

THE COURT: That is what I meant.

(At the bench.)

MR. HAFETZ: Judge, I would like to inquire as to whether the government witnesses, when they finish testifying, if they are going back down to the cell so that they will be right in the same cell with the future witnesses the government is going to call, and if so, I would request an instruction that each witness be separated from the balance of the witnesses.

MR. KENNEY: I am not sure that we can do that. To the best extent that we have been able to, we have had the witnesses separated, which I think has been coming out in the testimony, but they only have three cells down there, and we have Turner, Myers, Mann, Paul Crawford, Boyd, and it is physically impossible.

THE COURT: Is there any way of returning the witness to West Street after he is finished?

MR. KENNEY: Most of these witnesses are not in

West Street. They are in various state institutions.

THE COURT: Aside from --

MR. KENNEY: We were trying to comply to that to the greatest extent we were able to, and we send people back to West Street that we have no further use for.

THE COURT: You have got four down here?

MR. KENNEY: Yes -- more than four.

THE COURT: Are they all together in one cell?

MR. KENNEY: Myers and Mann, I think, are in the same cell. Turner and -- I am not sure whether Turner and Chester Crawford are separated or not, and I just don't know which cell Carlton Boyd is in.

THE COURT: Well, call downstairs from inside now and tell them, to the extent they can possibly do it, to separate those who have testified from those who have not yet testified.

MR. KENNEY: All right.

MR. HAFETZ: Judge, I would also like to request an instruction that after direct examination Mr. Kenney not be permitted to confer with the witness prior to cross-examination and during cross-examination of the witness.

MR. KENNEY: I'm going to object to that.

THE COURT: I don't see why not.

1  
2 MR. KENNEY: That is an unreasonable request.

3 THE COURT: You talk to your client overnight.

4 MR. DIRENZO: Except that a witness normally is  
5 not a client, your Honor. After direct examination, I do  
6 not think that a witness, who is getting ready for cross  
7 or who is on cross, should be conferring with the government.

8 THE COURT: You can bring it out for the jury  
9 to know it, as you did this morning.

10 MR. DIRENZO: Well, that is why I did it.

11 THE COURT: I assumed so. But I don't see how  
12 I can tell the government that he can't talk to the man.

13 MR. DIRENZO: Generally, the expression has been,  
14 over a period of years, that we keep the witness under the  
15 rule, which means, in my parlance, that you do not discuss  
16 anything with the witness after he has completed his direct,  
17 because he can be rehabilitated or the government can anti-  
18 cipate that he is going to be asked certain questions, and  
19 I have had cases where I have represented a defendant where  
20 judges have told me not to discuss anything with my client.

21 THE COURT: I never so directed you, Mr. Drenzo.

22 MR. DIRENZO: I have been by other judges, your  
23 Honor, who told me to make sure that since he has completed  
24 his direct, not to even stay with the defendant during the  
25 recess.



1  
2 THE COURT: Oh, no, I wouldn't do that.

3 MR. DIRENZO: That happened to --

4 THE COURT: I think they violate his constitutional  
5 right for advice of counsel.

6 MR. HAFETZ: I have had it the other way as  
7 prosecutor, being directed not to confer with the witness  
8 after direct.

9 MR. KENNEY: Your Honor, we take it that there  
10 is no suggestion that we are telling the witness what to say?

11 THE COURT: Of course there is a suggestion of  
12 impropriety, Mr. Kenney.

13 MR. KENNEY: I would object to that.

14 MR. DIRENZO: It isn't so much of impropriety;  
15 being a partisan in any litigation -- and I am not charging  
16 impropriety -- but there might be a possibility, he will say,  
17 "Well, look you were questioned in this area; you were  
18 questioned in this area; if you were asked this question,  
19 how would you answer it," and it might be suggestive without  
20 being something that is improper from an ethical standpoint,  
21 your Honor.

22 MR. KENNEY: Your Honor, these people are being  
23 cross-examined by four very talented lawyers and they are  
24 lay witnesses. I think anybody who puts a witness on is  
25 entitled to talk to him about the tactics of his testimony



without the suggestion that he is going to testify any differently, as a matter of truth --

MR. HAFETZ: They have got their own lawyers for that.

THE COURT: Only one. Here is a man with no lawyer coming on.

MR. HAFETZ: Boyd, you're talking about?

THE COURT: Yes.

MR. HAFETZ: Certainly for the accomplice co-defendants, I would think, who have their lawyers in the courtroom --

THE COURT: Just as you put witnesses on and want to talk to them, why shouldn't the government be entitled to talk to them?

MR. HAFETZ: The point is, during cross, second and third cross-examination, the government has a chance to rehabilitate and come back on redirect.

THE COURT: Obviously. Don't you do the same thing?

MR. HAFETZ: With the defendant.

THE COURT: Wouldn't you do the same thing? Of course you would.

MR. HAFETZ: I would love to, if I were the prosecutor, but --

1 THE COURT: But you would do it on your case.

2 MR. HAFETZ: I have never been permitted to do  
3 it. You know, I think the witness --

4 THE COURT: As to a defendant you have not been  
5 permitted to do it?

6 MR. HAFETZ: No, with defendants, certainly.

7 THE COURT: I claim the prosecutors have the same  
8 rights that you have in the trial of a case. Of course it  
9 is so. You don't shackle them. You run around free and he  
10 is shackled? It can't be, Mr. Hafetz. You put it on the  
11 record.

12 MR. KENNEY: I would have to make that phone  
13 call now, your Honor.

14 THE COURT: All right. Why can't Mr. Carey make  
15 it for you?

16 MR. KENNEY: Yes, your Honor, I will just tell  
17 him.

18 (Pause.)

19 (Open court.)

20 (Continued on page 405.)  
21  
22  
23  
24  
25

Carroll

C A R L T O N     B O Y D, called as a witness by the government, having first been duly sworn, was examined and testified as follows:

XXX

DIRECT EXAMINATION

BY MR. KENNEY:

Q     Mr. Boyd, can you tell us where your home address is, where you are from?

A     Well, actually I'm from North Carolina.

Q     And have you in the past had a residence in New York at any time?

A     Yes.

Q     And would you tell us where you lived or the area where you lived when you were here in New York?

A     Well, Lincoln Place, East New York section of Brooklyn..

Q     You have been convicted of the crime of hijacking; is that correct?

A     Yes, I have.

Q     And when were you convicted of that crime?

A     In July of this year.

Q     You were sentenced on that; were you not?

A     Yes, I was.

Q     And what sentence did you receive?

A     I received eight years.



2 Q And you are presently serving that sentence;  
3 is that right?

4 A Yes, I am.

5 Q Prior to that time, you were convicted of a  
6 crime before; were you not?

7 A Yes.

8 Q And what crime was that?

9 A I had a robbery conviction in Queens in June of  
10 this year and one in 1968.

11 Q What was the conviction in 1968?

12 A It was a robbery.

13 Q And did you receive a sentence on the 1968  
14 robbery conviction?

15 A Yes, three years.

16 Q And did you serve that sentence?

17 A I did 19 and a half months.

18 Q Have you been sentenced on the Queens robbery  
19 of June of this year?

20 A Yes.

21 Q And what was that sentence?

22 A Four years.

23 Q Have you been promised anything by the government  
24 in return for your testimony here today?

25 A Well, I've been promised not to be prosecuted



1 for this thing here and I've got -- I'm awaiting sentence on  
2 another hijacking, so the U. S. Attorney's office said that  
3 I'm -- I'm expecting some kind of consideration for it.  
4

5 Q Did the government tell you that they would call  
6 to the Court's attention your cooperation at the time you  
7 are sentenced on the hijacking that you are awaiting  
8 sentence on now?

9 A Yes, they did.

10 Q And when you say that you won't be prosecuted  
11 for anything, you mean you won't be prosecuted for what you  
12 tell this Court and jury here today?

13 A Yes.

14 Q Do you know a man named Tommy Carroll?

15 A Yes.

16 Q And do you see him in the courtroom?

17 A Yes.

18 Q Would you point him out?

19 A (Indicating).

20 MR. DIRENZO: Let the record show that he has  
21 pointed to the defendant Carroll.

22 Q Do you know a man named Mike McCloskey?

23 A Yes.

24 Q Would you point him out?

25 A This one sitting here (indicating).

MR. MARTIN: May the record show he pointed out Vincent McCloskey.

Q And do you know a man named Robert Rippy?

A No.

Q Do you know a man named William McCloskey?

A Yes.

Q How do you know him, as William McCloskey or by some other name?

A Billy.

Q Billy?

A Yes.

Q And do you see him in the courtroom?

A YES.

Q Would you point him out to us?

A Sitting over there (indicating).

MR. HOPPER: Indicating the defendant William McCloskey.

Q Now would you tell us when and where you first met Tommy Carroll?

A I can't say where, but it was somewhere last Fall, I think it was.

Q Could you try to speak up just a little bit, because it is difficult to hear you back here.

A It was last Fall. I don't know where. I can't

gtd4a

Boyd-direct

740a

408a

remember where, but it was somewhere in Jersey.

(Continued on page 409.)

4B

11

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



12/13/73  
AM T-4b

gtmch 1

Boyd-direct

741a

409

Q And do you recall whether it was a house or a hotel or in what sort of building it was?

A No, was a bar.

Q And could you tell us who else was present when you met Tommy Carroll?

A Chester Crawford. That's all.

Q It was yourself, Chester Crawford and Tommy Carroll?

A Yes.

Q And do you remember whether anything was said?

A No. I was with Crawford.

Q Did you have any conversations that you can recall?

A No.

Q Did you do anything after that time?

A No, I didn't then, no.

Q Did there come a time when you again met Tommy Carroll?

A Yes. I met him a few times after that.

Q And in connection with this particular case, when was the next time that you met with him?

A I say about December of last year.

Q And was there anybody else present at that time?



1  
2 A Yes.

3 Q Would you tell us who was present then?

4 A Chester Crawford, Mike McCloskey, James Dixon  
5 and Leon Rogers.

6 Q And where did this meeting take place?

7 A South Street and Maiden Lane.

8 Q If you can recall, was there any conversation  
9 at that time?

10 MR. DIRENZO: If your Honor please, might  
11 I have a continuing objection to this entire line of  
12 questioning predicated on the same objection that was  
13 originally made?

14 THE COURT: This is a conversation with your  
15 client.

16 MR. DIRENZO: That's correct, your Honor.

17 THE COURT: You mean on the question of the  
18 date?

19 MR. DIRENZO: That's correct, your Honor.

20 THE COURT: You have an objection. The objection  
21 is overruled.

22 MR. MARTIN: Does that objection run to the  
23 other defendants, your Honor, also?

24 THE COURT: Yes, Mr. Martin.

25 MR. MARTIN: Thank you.

2 Q Could you tell us what was said at that meeting  
3 which you testified about?

4 A Well, I can't say what was said, but I can say  
5 what it was pertaining to.

6 Q Will you tell us in substance what was said  
7 or what it was pertaining to?

8 A It was pertaining to --

9 MR. DIRENZO: That is objected to, if your  
10 Honor please.

11 THE COURT: The witness says all he can tell  
12 you is what it is pertaining to, he cannot recall the  
13 exact conversation. I will take it.

14 MR. DIRENZO: Note my objection, that's all,  
15 your Honor.

16 A It was pertaining to the hijacking of a mail  
17 truck.

18 Q And did you learn any other information about  
19 the mail truck at that time?

20 MR. MARTIN: I am going to object --

21 Objection withdrawn, your Honor.

22 THE COURT: Go ahead. Put the question again,  
23 please.

24 Q Did you learn of any other information about  
25 the mail truck at that time?

MR. DIRENZO: Objected to, your Honor.

THE COURT: Overruled.

A Yes.

Q And what did you learn?

A That it was supposed to have money on it.

MR. DIRENZO: Objected to, your Honor. I  
move that the answer be stricken.

THE COURT: Do you know who said that to you,  
Mr. Boyd?

THE WITNESS: McCloskey and -- Mike McCloskey  
and Tommy Carroll and Chester Crawford.

THE COURT: Go ahead.

The objection is overruled.

Q Did you learn anything else in that conver-  
sation?

A It was coming from a bank down on Maiden Lane,  
a depository bank.

MR. DIRENZO: Objected to; move that the answer  
be stricken, your Honor.

THE COURT: Overruled.

Q Did you learn anything else?

MR. DIRENZO: Objected to, your Honor.

THE COURT: Overruled.

A No.



Q Did you have any other meetings after that meeting with any of those people that you testified about, Chester Crawford, Tommy Carroll, Mike McCloskey?

A I'd say a few times. I can't remember how many, but a few times.

MR. MARTIN: I can't hear it, if your Honor please.

THE COURT: Keep your voice up a little louder, please, Mr. Boyd.

A A few times.

Q And where did these meetings take place?

A Sometimes the same place.

Q Did they ever take place anyplace other than Maiden Lane and South Street?

A Yes, Jersey.

Q And would you tell us, was there anyone else present at any of these meetings besides Tommy Carroll, Mike McCloskey and Chester Crawford?

MR. DIRENZO: I object to it.

THE COURT: Overruled.

MR. DIRENZO: I ask that the time and place be fixed, your Honor.

THE COURT: To the extent that you can fix the time and place of each meeting, would you do so, Mr.



Boyd, and also tell us who was present at each of the separate meetings to the extent that you can recall.

THE WITNESS: Well --

THE COURT: Would you say all of them were present at every meeting that you were at?

THE WITNESS: I can't say all of them, no.

Q Mr. Boyd, was there anyone present at those meetings besides the three people whom I have mentioned, Chester Crawford, Tommy Carroll and Mike McCloskey?

A Yes, sometimes Dixon and Rogers, and on occasion --

MR. DIRENZO: I didn't hear that answer, your Honor.

THE COURT: Dixon and Rogers.

MR. KENNEY: I believe the witness was saying, "And sometimes on occasion."

A -- sometimes on occasion Billy McCloskey.

Q Now, would you tell us when you were arrested in connection with the case you received the eight-year sentence on?

A It was on March 11th of this year.

Q And have you been in jail since that time?

A Yes, I have.

MR. KENNEY: I have no further questions of this witness, your Honor.

2 THE COURT: Mr. Dhirenzo?

3 MR. DIRENZO: If your Honor please, at this  
4 time we would have to ask for a short recess.

5 THE COURT: You can have a short recess.

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Carroll

(Jury not present.)

THE COURT: Yes, Mr. Drenzo.

MR. DIRENZO: May it please the Court at this time, on behalf of all the defendants, I move to strike all of the testimony of the witness Boyd on the ground that there is an absence of specificity as to the times and places and conversations attributable to a specific defendant. It makes it difficult, if not impossible, to cross-examine this witness.

THE COURT: Application is denied.

MR. DIRENZO: Now my second motion, your Honor, is for a mistrial and withdrawal of a juror on the basis of the fact that the testimony he did give was not within the purview of this specific robbery and crime and the conspiracies connected therewith.

THE COURT: Motion denied.

Bring the jury in.

(Jury present.)

C A R I T O N      B O Y D, resumed.

THE COURT: You may proceed, Mr. Drenzo.

MR. DIRENZO: I have no questions of this witness, your Honor.

MR. MARTIN: I have no questions of this witness, your Honor.

2 MR. HAFETZ: No questions.

3 MR. HOPPER: No questions.

4 THE COURT: You are excused, Mr. Boyd. Thank  
5 you.

6 (Witness excused.)

7 THE COURT: Next witness.

8 MR. KENNEY: I'm afraid, your Honor, that we  
9 are not prepared to call the next witness.

10 THE COURT: Ten minutes to twelve.

11 MR. KENNEY: I know. The next witness is a man  
12 named Dexter who is coming from Washington and he is not  
13 here, and the witnesses following him require questions with  
14 regard to their claim of privilege against testifying.

15 We can take care of that now if you want, if  
16 you so choose.

17 THE COURT: When is Mr. Dexter slowing up?

18 MR. KENNEY: He took a flight, I understand,  
19 this morning at 6:00 o'clock or 7:00 o'clock and he has had  
20 some problem. He is here in New York and on his way, but he  
21 is not here in the courthouse yet.

22 THE COURT: You can't take any of the other  
23 witnesses until 1:00?

24 MR. KENNEY: We can take them, your Honor, as  
25 soon as we dispose of the problem of taking the privilege



1  
2 against testifying.

3 THE COURT: We will start the first one.

4 We will have to excuse you for a few minutes  
5 again. I'm sorry.

6 (Jury left the courtroom.)

7 THE COURT: Who is the next witness?

8 MR. KENNEY: Paul Crawford.

9 THE COURT: Is he out in the witness room?

10 MR. KENNEY: He is on his way up, I believe,  
11 your Honor.

12 THE COURT: Is his attorney here?

13 MR. KENNEY: Yes, he is here.

14 THE COURT: Come forward, please, Mr. Klempner.

15 (Mr. Joseph Klempner came forward.)

16 THE COURT: Have you served a copy on the  
17 defense?

18 MR. KENNEY: Yes, your Honor.

19 MR. KLEMPNER: Yes.

20 MR. KENNEY: Not on the defense counsel in this  
21 case. I have reached an agreement with defense counsel and  
22 they can correct me if I am wrong, all of these applications  
23 are identical, and we are going to supply them with copies  
24 as to all of them as soon as we have a chance.

25 THE COURT: It is the same as the one you used

1 jkd4  
2 for Chester Crawford yesterday, which they saw?

3 MR. KENNEY: That's correct, your Honor, except  
4 for the identity of the witness and his attorney.

5 THE COURT: Today is December 13th.

6 Mr. Klempner, you have seen these papers?

7 MR. KLEMPNER: Yes, I have, Judge.

8 THE COURT: The procedure we adopted yesterday  
9 is for you to go in and explain to your client, Mr. Paul  
10 Crawford, exactly what these papers are, what they mean,  
11 what the understanding is with the U. S. Attorney,  
12 Mr. Kenney. Mr. Kenney can go in with you.

13 MR. KLEMPNER: I have already done that, your  
14 Honor.

15 THE COURT: You have already done that?

16 MR. KLEMPNER: Yes.

17 THE COURT: Then we would ask Mr. Crawford to  
18 come out into the courtroom and we will put on the record  
19 his understanding, what is involved, and then call the jury  
20 in.

21 MR. KLEMPNER: Very good.

22 THE COURT: All right.

23 Where is Mr. Crawford? Is he coming up?

24 MR. KENNEY: He is on his way up, I am informed,  
25 your Honor. He should be here in a moment.

1 THE COURT: All right. We will sit here and wait  
2 for him.

3 MR. DIRENZO: If your Honor please, in connection  
4 with any order under 6003 Mr. Kenney is submitting to your  
5 Honor for signature, to grant a witness use immunity, without  
6 repeating each of the arguments that were made in connection  
7 with the Chester Crawford immunization order, I would ask  
8 that with reference to each of them --

9 THE COURT: They will apply to each one indi-  
10 vidually and be ruled on the same way.

11 MR. DIRENZO: It is noted for the record. Thank  
12 you.

13 (Pause.)

14 THE COURT: Gentlemen, my law clerk has just  
15 brought to my attention that there was an article in  
16 yesterday's Post about this case. Any of you see it?

17 MR. DIRENZO: I saw two articles. I don't know  
18 that I saw one yesterday. I think -- I saw two articles. I  
19 don't know whether it was yesterday.

20 THE COURT: I haven't seen any of them.

21 MR. MARTIN: I saw two, your Honor.

22 MR. KENNEY: I had the final Post, your Honor.  
23 There was no article in the final Post that came out at 5:00  
24 o'clock.  
25



MR. MARTIN: I think I may have them.

THE COURT: I would like to see them.

MR. MARTIN: I think I have them in the file.

THE COURT: Because I will caution the jury not to read the newspapers or any articles that may appear in them.

MR. MARTIN: Here are the two I have. I think they were both in the Post, your Honor.

THE COURT: Thank you.

(Pause.)

THE COURT: May I return this to you after lunch, Mr. Martin?

MR. MARTIN: Of course, your Honor.

(Pause.)

MR. KENNEY: Paul Crawford is here.

THE COURT: Bring him out.

(Paul Crawford entered the courtroom.)

BY THE COURT:

Q Mr. Crawford, has Mr. Klempner discussed with you the circumstances under which you would give testimony in this case today?

A Some, yes.

Q Has he told you that --

THE COURT: Well, first, I suppose, Mr. Klempner.



1 I have to establish whether your client would take the  
2 Fifth Amendment if he were asked any questions regarding  
3 the robbery of one Rocco DiGeorgio outside the Plaza National  
4 Bank in Secaucus, New Jersey, on March 22, 1973.  
5

6 MR. KLEMPNER: If your Honor please, my client's  
7 position is that with respect to that robbery and anything  
8 incidental to that particular robbery he will stand by his  
9 Fifth Amendment privilege and he will refuse to answer  
10 any questions regarding that particular incident.

11 BY THE COURT:

12 Q Do I understand that is your position,  
13 Mr. Crawford?

14 A Yes, sir.

15 Q Consequently, on the application of the United  
16 States Attorney, I have just signed an order which grants  
17 you immunity -- that is my signature, which grants you  
18 immunity from any prosecution growing out of your testimony  
19 here regarding that robbery in Secaucus, New Jersey, so you  
20 may testify about it with the grant of immunity from the  
21 Court.

22 Do you understand that?

23 A Yes, sir.

24 THE COURT: You can explain that to him.

25 MR. KLEMPNER: I have already done that.

1 I think Mr. Crawford understands that now he has  
2 been given immunity as to that robbery, the robbery of  
3 Rocco DiGeorgio, and I believe that Mr. Crawford's position  
4 is that now he is willing to testify about everything inci-  
5 dental to this trial.

6  
7 THE COURT: And there will be no pleading of  
8 the Fifth Amendment -- there is no immunity, rather, for  
9 the rest of his testimony regarding this transaction which  
10 we are interested in in this trial?

11 MR. KLEMPNER: That's right. He is now willing  
12 to answer all questions.

13 BY THE COURT:

14 Q Is that right, Mr. Crawford?

15 A Yes, sir.

16 THE COURT: All right. You may proceed.

17 MR. KENNEY: Your Honor, if I understand the  
18 procedure we are to follow, he is now waiving his Fifth  
19 Amendment claim as to anything other than the Rocco  
20 DiGeorgio robbery?

21 THE COURT: That is what I understand.

22 MR. KLEMPNER: Right. The only Fifth Amendment  
23 privilege that he has asserted at any time would be as to  
24 the DiGeorgio robbery.

25 THE COURT: I have signed the immunity order.

1 jkd9  
2 MR. KLEMPNER: Does your Honor wish me to sit--

3 THE COURT: I wish you would sit there, and I  
4 am not sure whether your client needs any assistance from  
5 Mr. Kenney's direction examination, but he may need some  
6 assistance from you in case of any questions asked on  
7 cross-examination and you will have an opportunity to confer  
8 with him.

9 MR. KLEMPNER: I have explained already to  
10 Mr. Crawford that he has the right at any time to speak to  
11 me and he simply has to tell your Honor that he wishes to do  
12 so.

13 THE COURT: All right.

14 MR. KLEMPNER: Do you have any questions?

15 (pause.)

16 THE COURT: Bring the jury in.

17 (Jury present.)

18 P A U L C R A W F O R D, called as a witness by the  
19 government, having been first duly sworn, testified  
20 as follows:

21 MR. KENNEY: May I proceed?

22 THE COURT: Yes.

23 DIRECT EXAMINATION

24 BY MR. KENNEY:

25 Q Mr. Crawford, what is your home address; where

1  
2 are you from?

3 A Washington, D.C.

4 Q You have pleaded guilty to a portion of the  
5 indictment in this case; is that right?

6 A The conspiracy.

7 Q And do you know what the maximum penalty is for  
8 that?

9 A Yes, sir.

10 Q What is it?

11 A Five years.

12 Q Have you been sentenced yet?

13 A No, I haven't.

14 Q Has the government promised you anything in  
15 return for your pleading guilty and testifying here today?

16 A No.

17 Q Well, hasn't the government promised you that  
18 it will dismiss the open counts in the indictment?

19 A I don't understand that.

20 THE COURT: Mr. Klempner.

21 MR. KLEMPNER: May I have a word with my client?

22 THE COURT: Yes.

23 (Pause.)

24 MR. DIRENZO: May the record indicate that I  
25 object to this procedure, your Honor?



2 THE COURT: Yes.

3 MR. KENNEY: May I withdraw the question and  
4 place another question, your Honor?

5 THE COURT: You may.

6 Q Mr. Crawford, after you testify here you do not  
7 expect to be tried for the robbery in this case, do you?

8 A No, sir.

9 Q And you don't expect to go to trial for the  
10 murder of a postal guard, do you?

11 A No, sir.

12 MR. MARTIN: If your Honor please, I am going  
13 to object to this line of questioning and the form of the  
14 question.

15 THE COURT: Overruled.

16 MR. MARTIN: Respectfully excepted.

17 (Continued on page 426.)

18 Tk6A am  
19 foll.  
20  
21  
22  
23  
24  
25

6A am  
Carroll

gtd

P. Crawford-direct

759a

426

Q Now, do you understand that the government at the time you are sentenced will call your cooperation to the attention of the sentencing judge?

A Yes, sir.

Q And have you been promised or do you have any other understanding as you testify here today with regard to what your sentence will be?

A No, I don't.

Q Now, directing your attention to March 1973, in the middle of the month, will you tell us what was the first thing that you did in connection with this case?

MR. DIRENZO: I object to the form of that question, this case.

THE COURT: Overruled.

Q Mr. Crawford, will you tell us what the first thing that you did was? How did you first find out about this case?

A When I came to New York from Washington to New York.

Q And did you see anyone in New York?

A When I came to New York I seen Chester.

Q And prior to that time, had you seen anyone else in connection with this case?

A No, I hadn't.

1  
2 Q Now, had you talked to anyone in Washington  
3 about coming to New York?

4 MR. MARTIN: If your Honor please, I am going  
5 to object to the constant rehabilitation of the witness  
6 question by question by the United States Attorney. This  
7 is supposed to be direct examination.

8 THE COURT: First of all, I don't think it is  
9 rehabilitation and, secondly, your motion is denied.

10 MR. DIRENZO: My objection would be leading,  
11 your Honor.

12 THE COURT: Overruled.

13 Q Mr. Crawford, did you talk to anyone or see  
14 anyone in Washington about coming to New York before you  
15 came to New York?

16 A Before I came to New York?

17 Q Yes.

18 A I stopped by Robert Rippy's house.

19 Q And did you meet anyone at Robert Rippy's house?  
20 Was there anyone there?

21 A Terry Myers.

22 Q And was there anyone besides Terry Myers?

23 A No.

24 Q Well, was Robert Rippy there?

25 A Yes.

2 Q So you saw Terry Myers and Robert Rippy; is that  
3 right?

4 A Yes, sir.

5 Q And do you see either one of them in the court-  
6 room today?

7 A Robert Rippy.

8 Q And would you point him out?

9 A (Indicating).

10 MR. HAFETZ: Identification conceded.

11 Q And when you went to Robert Rippy's house, did  
12 you have a conversation with Rippy and Myers?

13 A Only about he said he had received a telephone  
14 call from Chester and he wanted me to come up here.

15 Q And after that conversation, was anything else  
16 said at that time that you can recall?

17 A The only thing that he say that he wanted me  
18 to come up here with Terry Myers to show where Chester live  
19 at.

20 MR. HAFETZ: Your Honor, I didn't hear those  
21 last couple of words.

22 THE COURT: Would you repeat the question.

23 (Record read.)

24 Q And then did you go any place with Terry Myers?

25 A Yes. After we left DC we came to Brooklyn.



Q And where did you go in Brooklyn; do you remember?

A It was in the Williamsburg section.

Q Now, do you remember what day of the week that was?

A It was on a Tuesday.

Q And do you remember the date?

A No, I don't remember the exact date, but it was on the week of the 20th.

Q What was the month?

A March.

Q Now, did you meet anybody in Brooklyn?

A Yes. I met Chester.

Q And when you met Chester in Brooklyn, did you have a conversation that you can recall?

A Yes.

Q And would you tell us to the best of your recollection what was said and who said it?

A Chester was telling us about a job that was going to be taking place and he took us down to Wall Street to show us what it was, and he was telling us, you know, it was going to be a mail truck.

Q When you say, "us," you are referring to yourself and Terry Myers?

1  
2 A Yes, sir.

3 MR. MARTIN: I am going to object to the leading,  
4 if your Honor pleases.

5 THE COURT: Overruled.

6 Q After you went downtown with Chester and he  
7 talked to you about the mail job, did you do anything else  
8 on that day?

9 MR. DIRENZO: I object to the form of that  
10 question, your Honor.

11 THE COURT: Overruled.

12 A We went over the so-called route and he was  
13 trying to explain to us what it was about.

14 Q After you did that, did there come a time when  
15 Chester stopped going over the route?

16 Did there come a time when you were finished  
17 going over the route?

18 A YES, sir.

19 Q And when you were finished, did you go anyplace?

20 A Yes. We went back to Jersey City to the Holiday  
21 Inn in Jersey City.

22 DEFENDANT CARROLL: Where?

23 MR. DI RENZO: Holiday.

24 THE COURT: Go ahead.

25 Q Did you stay at the Holiday Inn that night?

1  
2 A Yes, sir, ~~me~~ and Terry Myers.

3 Q On the next day following that day, would you  
4 tell us what you did?

5 A We waited on Geoffrey because Terry called  
6 Geoffrey that night from the Holiday Inn and asked Geoffrey  
7 to come up, and Geoffrey got up about 1:00 o'clock that  
8 afternoon, which was Wednesday, and then we went back to  
9 Brooklyn and met Chester about 5:00 o'clock that afternoon.

10 Q Now, if I may go back for just a moment, the  
11 night that you stayed at the Holiday Inn, did you go any  
12 place in Jersey that night?

13 A Yeah, we went to some bar, but I don't know what  
14 it was. I couldn't --

15 Q And do you remember whether you met anybody at  
16 that bar or not?

17 A It was some fellow came in, but I don't remember  
18 how he looked. Chester talked to him and then we went to  
19 the Holiday Inn.

20 (Continued on page 432.)

Q Bringing you back again to the next day, when you went back to Brooklyn, who went with you to Brooklyn?

A It was me and Geoffrey and Terry.

Q And what is Geoffrey's last name?

A Mann.

Q Who did you meet in Brooklyn?

A We met Chester again.

Q And did you have a conversation that day?

A He was just telling us he was going to show us over the route because Geoffrey was up and he wanted to show Geoffrey over the route.

Q Did you go anyplace after you met with Chester?

A We went back to Wall Street and went over the route to show Geoffrey.

Q When you say, "We," who are you talking about?

A Terry, Geoffrey and Chester and myself.

Q And whose car were you in?

A We was in yellow Plymouth.

Q When you say you went over the route, will you tell us what you did?

A He was saying this is where the mail truck goes.

Q And do you recall where that was?

A I think it was on Wall Street.



1  
2 Q Did there come a time again when you were  
3 finished going over the route?

4 A Yes, sir.

5 Q And at that point what did you do and where did  
6 you go?

7 A We went to Jersey, 'co some part in Jersey.  
8 I don't remember what part. And he went to a bar in  
9 Jersey and he went inside to talk to someone and we  
10 stayed outside while he was inside, so I don't know who  
11 he talked to or what he said.

12 Q When you say, "He went inside," who are you  
13 referring to?

14 A Chester.

15 Q And when you say you remained outside, who  
16 exactly remained outside?

17 A Terry, Geoffrey and myself.

18 Q And did Chester come out again?

19 A Yes, sir.

20 Q And what happened when he came out?

21 A When he came out, he took Geoffrey and him to  
22 a motel on Route 9, I believe it was, and then I went  
23 home and spent the night with him at Long Island.

24 Q What day of the week was that, if you can  
25 recall?

1  
2 A That was on a Wednesday.

3 Q On Thursday morning, did you go anyplace?

4 A Yes.

5 Q And who went with you?

6 A We left Chester's house and we went to the motel  
7 to pick up Terry and Geoffrey and then we went to the  
8 diner there in Jersey City.

9 Q The four of you went to the diner?

10 A We went by the motel to pick up Geoffrey and  
11 Terry.

12 Q And then when you went to the diner, it was  
13 yourself, Terry, Geoffrey and Chester; isn't that right?

14 A Yes.

15 Q Now, did you meet anyone at the diner?

16 A Yes. Was two fellows we met.

17 Q And do you know their names?

18 A I think their name is Tony and Mike.

19 Q Do you see either of those two people in the  
20 courtroom today?

21 (Witness indicating.)

22 THE COURT: Who are you pointing at, Tony or  
23 Mike?

24 THE WITNESS: I don't know his name. I just  
25 heard the name mentioned.

1  
2 THE COURT: Which gentleman are you pointing  
3 to?

4 THE WITNESS: The small fellow (indicating).

5 THE COURT: Sitting in a chair against the  
6 railing?

7 THE WITNESS: Yes, sir.

8 THE COURT: All right.

9 Q And who is he, do you know? I mean, do you  
10 know what his name is?

11 A Whose name is that?

12 Q The man you are pointing at.

13 A I think his name is Mike.

14 Q And what was the name of the other man you met  
15 at the diner?

16 A Tony.

17 Q Tony?

18 A Yes.

19 Q And do you see Tony in the courtroom?

20 A No, sir.

21 Q After you had the meeting at the diner, did  
22 you go anyplace?

23 A Yes. We went into -- I'm not familiar with  
24 Jersey, but we went to a place where was a trailer parked.

25 Q Did you say "a trailer parked"?

A Yes. It was down below a bank.

Q And when you reached the place where the trailer was parked, did you meet anyone there?

A No, we just -- they followed -- we followed them there and we just sitting there, waiting.

Q When you say you followed them, who are you referring to?

A Tony and Mike.

Q The two men you met in the diner?

A Yes.

Q And after you met or reached the place where the trailer was parked, could you tell us what else you did?

A We just sit there and waited.

Q Did you do anything else on that day?

A Yes. The fellow that came out that they was going to rob, he went to some other place down in Jersey and we followed him down in Jersey and back and back to the bank, and when he went in the bank and came out, then they took the money from him.

Q And where were you when they took the money from him?

A I was in the car with Chester.

Q Could you observe them taking the money from



him?

A Yes, sir.

Q And who were they? Who were the people that took the money from him?

A Terry and Geoffrey.

Q And would you tell us what they did?

MR. DIRENZO: Again, if your Honor please, it is a continuing objection to this together with the motion for a mistrial as previously urged.

THE COURT: Overruled and denied.

Q Mr. Crawford, would you tell us what Terry and Geoffrey did?

A Well, they walked back to the man's car, and as he went to get in the car they grabbed his arm and got in the car with him.

Q And could you see from where you were in Chester's car whether they had anything in their hands, Terry and Geoffrey?

A I couldn't see it because -- I couldn't see what they had because they was too far away. I could see them when they grabbed him by the hand.

Q Would you tell us what you saw after they got in the car with the man?

A Well, they took him down towards the factory

across the railroad track and then let him out and he walked down on the side of the building.

Q And what did you do? Where were you at that point?

A I was in the car with Chester.

Q And the car moved, or was it in the same place it was when you saw them get in the car with the man?

A Whose car was that, Chester's car?

Q The one that you were in.

A Yes, it moved.

Q How did it move?

A It moved behind the car that the man was in with the money.

Q Now, after the man started walking away, would you tell us what happened?

A Well, after he started walking away, we started back and a train was coming, and Geoffrey got out of the car with us and got in the car with Mike and Tony, and after the train passed we came back to somewhere close to a bar and me and Geoffrey waited at the bar until they went and came back from splitting up the money.

Q And how much money did you get?

A \$300.

Q After you received the \$300 --

MR. KENNEY: May I withdraw that.

Q Who did you receive the \$300 from?

A I got \$100 from Chester, a hundred dollars from Geoffrey and a hundred dollars from Terry.

Q After you received the \$300, where did you go?

A We left there, came back to New York, and Terry and Geoffrey went to the Western Union and they sent some money off. Then we came back to the Marada Inn.

Q During this period of time, did you do anything with Terry's car?

A They went shopping, I think, and I parked his car at a No Parking zone and the police towed the car away.

Q When you returned to the Ramada Inn, after you returned to the Ramada Inn, did you go anyplace that night?

A No, I didn't.

Q Where did you stay that night?

A In the Marada Inn.

Q When you say the Marada Inn, are you referring to the Ramada Inn, do you know?

A Yes.

Q Do you know where that is here in New York?

A I think it's on Tenth Avenue and 40-something

Street, 50-something Street. I don't know exactly.

Q On the next day, could you tell us what day of the week the next day was?

A Friday.

Q And would you tell us what you did in connection with this case on Friday, if anything?

MR. DIRENZO: I object to the form of that question.

THE COURT: Overruled.

A There wasn't -- there wasn't anything did on Friday, because Terry was trying to get his car from the peoples that pulled it in and he had to go back to Washington to get his registration card so he could get his car.

Q So that Terry was not with you during the day on Friday; is that right?

A No, he wasn't.

Q Were you with Geoffrey Mann?

A Yes, me and Geoffrey Mann went to Brooklyn to meet Chester.

Q And did you meet Chester?

A Yes, we met him about 5:00 o'clock, I think it was.

Q And after you met Chester, did you go anyplace?



A No. He told us to go back to the hotel and he would call us.

Q And did he call, if you know?

A If he did, I didn't get the message.

Q After you returned to the hotel, did you go anyplace else that day?

A No, not but across the street to get some food.

Q And where did you stay on Friday night?

A The same place.

Q On Friday night did you go anyplace?

A No, I didn't go anywhere Friday night.

Q Would you tell us on Saturday now, the next day, did you go anyplace?

A No, we didn't go anyplace.

Q Did you stay in the Ramada Inn on Saturday night?

A No, we stayed there all day and Saturday night, about 10:00 o'clock, I'm not sure of the time, but Saturday night we checked out and went back to Long Island to get some money from Chester to go back to D.C.

Q And when you checked out and left the Ramada Inn, what car did you leave in?

A We left without Terry's car.

Q You took Terry's car?

1 A No. We left Terry's car. We went back in  
2 Geoffrey's car.

3 Q And you drove in Geoffrey's car?

4 A Yes, that's right.

5 Q Where was Terry's car left?

6 A Left with the aunt for the Cadillac people to  
7 pick it up and service it.

8 Q And did you drive to Washington in Terry's  
9 car -- I'm sorry. Did you drive to Washington in  
10 Geoffrey's car?

11 A Yes.

12 Q After you returned to Washington, did you  
13 at any time meet with Robert Rippy?

14 A I went back past his house that night because  
15 I was working for Sears & Roebuck and I left my truck  
16 there at his house and I called him on the phone before  
17 I got there and told him I was coming back, so I guess  
18 it was about 3:00 or 4:00 o'clock in the morning, and I  
19 went by and I was telling him what happened, and I told  
20 him that it was a mail truck that they was planning to  
21 rob, and I told him I wasn't going back to participate  
22 in it.

23 Q Was there anything else said by yourself or  
24 by Mr. Rippy that night or that morning, Sunday morning?  
25

MR. DIRENZO: I object to this, your Honor.

THE COURT: Overruled.

Q If you recall, was there anything else said between yourself and Mr. Rippy?

A Not but I told him about what happened in Jersey and I told him about the mail truck and I said I don't want any more part of it.

Q Mr. Crawford, is it your understanding that you will not be prosecuted for your part in the robbery in New Jersey on March 22nd?

A Yes, sir.

MR. KENNY: Thank you. I have no further questions of this witness.

THE COURT: Mr. Direnzo.

MR. DIRENZO: We may need a little time, your Honor.

THE COURT: All right.

(Pause.)

MR. HAFETZ: Judge, may we ask perhaps for a recess at this time to give us an opportunity to confer?

THE COURT: We will have a recess and return at a quarter of 2:00. Counsel, be prepared to proceed at quarter of 2:00.

(Luncheon recess.)

Carroll

AFTERNOON SESSION

777a

1:45 p.m.

(Jury not present.)

THE COURT: Mr. Kenney?

MR. KENNEY: Yes, your Honor. I have asked to speak to the Court because the following problem has arisen.

I, during the luncheon break, went to the men's room in the corridor here on the eleventh floor and while I was there alone, one of the jurors walked in, a gentleman, black, male, tall, with glasses, who I believe is Juror No. 8, Mr. Glover, and as I turned to leave, I saw him standing there, and I said, "Hello," and he said, "Hello," and that is all that occurred.

I just wanted to call this to the Court's attention because there were people standing outside watching the sequence of people going in and also because I thought it may have the appearance of impropriety, and I wanted to put it on the record if any of the defense counsel would like to have the man questioned. That is why I wanted to bring it up.

THE COURT: There has been no request from defense counsel.

Bring the jury in.

MR. KENNEY: I might suggest, your Honor, that



1 the jury should be asked to stay in the jury room and use  
2 the facilities there. They have been walking out into the  
3 eleventh floor and using the telephone as well, I under  
4 stand.  
5

6 THE COURT: I can't stop them from using tele-  
7 phones, can I?

8 MR. KENNEY: I don't suppose you can, your  
9 Honor, but they seem to be just freely comingling out in the  
10 corridor with witnesses and --

11 THE COURT: All right, we will see what we can  
12 do.

13 MR. DIRENZO: Mr. Carroll just informed me that  
14 when he was taken up in the elevator, he, together with  
15 Mr. Rippy and Mr. McCloskey, were manacled and a witness was  
16 brought up who is presently testifying -- is that correct?

17 DEFENDANT CARROLL: No. We were taken out of  
18 the cells and the witness was in the hallway. We were  
19 brought past him and he made a complete identification. I  
20 called it to the three marshals' attention.

21 MR. DIRENZO: He is bringing this to the Court's  
22 attention -- he wants me to bring it to the Court's  
23 attention because there is a serious question of identifi-  
24 cation in this case, and he feels that under those circum-  
25 stances, doing what was done, it might prove suggestive to

1  
2 the witness in identifying --

779a

3 THE COURT: Which witness are you talking about?

4 MR. DIRENZO: Can you tell us?

5 DEFENDANT CARROLL: Terry Myers, I believe his  
6 name is.

7 MR. DIRENZO: I don't know who they had  
8 manacled, your Honor. I don't know who the witness was who  
9 was coming up. I am only reporting to the Court what the  
10 defendant Carroll tells me.

11 THE COURT: I don't quite understand what you  
12 are telling me.

13 MR. DIRENZO: Mr. Carroll is suggesting that  
14 this man could not identify Carroll, and under those circum-  
15 stances, by bringing him out of the cell the way they did,  
16 manacled, together with the other defendants, this fellow  
17 Myers had more than adequate opportunity to observe the  
18 defendants that he now can make an identification, possibly.

19 THE COURT: Where is this fellow Myers?

20 DEFENDANT CARROLL: Your Honor, may I --

21 MR. DIRENZO: I would have to ask my client.

22 THE COURT: Well, ask him.

23 MR. DIRENZO: Where was Myers?

24 DEFENDANT CARROLL: He was in the hallway with  
25 another marshal at the time we were brought out.

1  
2 THE COURT: In the cell?

3 DEFENDANT CARROLL: In the hallway, outside of  
4 the cell.

5 MR. DIRENZO: Apparently there is a corridor.

6 DEFENDANT CARROLL: Excuse me, please. The  
7 fact why I am bringing it out is because testimony has been  
8 given that Mr. Myers knows Mr. Rippy, he claims, or what-  
9 ever it is. There has been some kind of testimony to that.  
10 And the fact that the three of us were brought out together  
11 handcuffed, coming up on the elevator --

12 THE COURT: I haven't heard any testimony that  
13 Mr. Myers doesn't know Mr. Rippy.

14 DEFENDANT CARROLL: What I am trying to say,  
15 bringing us up together made the association. It is just  
16 like I told you the last time we were pulled into the  
17 courtroom.

18 THE COURT: Well, I am not quite sure I under-  
19 stand what you are talking about.

20 DEFENDANT CARROLL: This man doesn't know me.  
21 They made it possible for the man to know me.

22 THE COURT: Just a second. There is nothing in  
23 this record to this moment that Mr. Myers doesn't know you  
24 and doesn't know Mr. Rippy; nothing in the record to date,  
25 and that is all I know.



2 DEFENDANT CARROLL: Your Honor, if I may --

3 THE COURT: I'm sorry, that is all I know, and  
4 I am trying to understand what you are talking about. I  
5 gather--

6 DEFENDANT CARROLL: All right.

7 THE COURT: Now, you let me finish.

8 DEFENDANT CARROLL: All right.

9 THE COURT: I gather you are telling me that  
10 you were brought past a witness who has not yet appeared  
11 here.

12 DEFENDANT CARROLL: Right.

13 THE COURT: And because you were brought past,  
14 with Mr. Rippey and one of the other defendants --

15 DEFENDANT CARROLL: We were handcuffed together.

16 THE COURT: Handcuffed -- that this made it  
17 possible for this Mr. Myers now to identify you.

18 DEFENDANT CARROLL: Correct, sir.

19 THE COURT: All right.

20 I don't know, as I sit here now, nor is there  
21 anything in the record that Mr. Myers doesn't know you,  
22 because Mr. Myers hasn't testified here yet.

23 DEFENDANT CARROLL: I read all the material.

24 THE COURT: I haven't read the material. All  
25 I can tell you, Mr. Kenney, that you, in the future, will



1  
2 please have the marshal segregate these people to the extent  
3 that they can, but you must realize -- and this was said at  
4 the bench before -- we have limited facilities downstairs,  
5 and there are 20-odd judges working here, and it is impos-  
6 sible to keep every defendant separate and apart from every  
7 other defendant or witness in a case.

8 DEFENDANT CARROLL: Your Honor, if I might just  
9 add this: The United States Attorney has taken extreme  
10 efforts to keep us all separated from each other,  
11 incommunicado, so we couldn't communicate with each other  
12 and prepare our defense. Now, all of a sudden -- he has  
13 kept these people away from us; now they are throwing them  
14 in cells with us and everything else. What? Answer that.

15 THE COURT: I have reviewed this, Mr. Carroll,  
16 at the bench with counsel and they understand the problems  
17 that exist, and the United States Attorney has been directed  
18 to take every possible precaution that he can to see there  
19 is no intermingling.

20 Now, bring the jury back.

21 • (Jury present.)

22 (Continued on page 450.)  
23  
24  
25

1  
2 PAUL CRAWFORD, resumed.

3 THE COURT: Go ahead, Mr. Direnzo.

4 MR. DIRENZO: I have no questions of this  
5 witness, your Honor.

6 THE COURT: Mr. Martin?

7 MR. MARTIN: May I proceed, your Honor?

8 THE COURT: Yes.

9 CROSS-EXAMINATION

10 BY MR. MARTIN:

11 Q Mr. Crawford, when were you arrested in con-  
12 nection with this case?

13 A On June 8th.

14 Q June 8th?

15 A Yes.

16 Q After you were arrested were you questioned by  
17 postal inspectors?

18 A Yes, I was.

19 Q And did they ask you certain questions and did  
20 you give them certain answers?

21 A Pertaining to this case?

22 Q Yes.

23 A Yes, sir.

24 Q And after that were those questions and answers  
25 written down and did you then sign that paper?

2 A Yes, I did.

3 Q I show you this paper, indicating five pages --

4 THE COURT: Is it marked?

5 MR. MARTIN: Not yet, your Honor.

6 THE COURT: Have it marked first, so the record  
7 indicates what you are showing him.

8 MR. MARTIN: All right.

9 Will you mark this for identification?

10 MR. KENNEY: Do you want to use the original?

11 MR. MARTIN: Yes. Mark this one.

12 (Defendant Vincent McCloskey's Exhibit B was  
13 marked for identification.)

14 Q And is this your signature, Mr. Crawford?

15 A Yes, it is.

16 Q And is that handwritten portion, is that in  
17 your writing, at the bottom?

18 A That's right.

19 Q Mr. Crawford, is the defendant Chester Crawford  
20 your brother?

21 A Yes, he is.

22 Q And he is an older brother?

23 A Yes.

24 Q He is older than you?

25 A Yes.

XXX

1  
2 Q Do you know his family?

3 A Does I know his family?

4 Q Yes.

5 A Yes.

6 Q And do you know his son?

7 A Do I know his son?

8 Q Yes.

9 A But I haven't seen him since he was a baby.

10 Q Do you know that he lives here in New York?

11 A No, I thought he lived in Virginia.

12 Q And Mr. Crawford, you have taken a plea, as I  
13 understand it, to conspiracy in this case, is that correct?

14 A Yes.

15 Q And you know that your possible sentence may be  
16 from no time to five years?

17 A I didn't know that.

18 Q And did you know that the United States  
19 Attorney's office was going to advise the judge when you  
20 came up for sentencing as to how you cooperated with them  
21 in testifying; were you aware of that?

22 A I cooperated because I wanted to.

23 Q And did you sign a statement -- did the United  
24 States Attorney give you a statement concerning your plea  
25 to the conspiracy?



1 A The only statement I signed, I remember, was  
2 the statement I gave the postal inspectors.

3 MR. MARTIN: May I have a moment, your Honor?

4 (Pause.)

5 Q And you signed no other statement?

6 A Not to my knowledge, I haven't.

7 Q And besides your being permitted to plead to  
8 the conspiracy, were you also told that you would have  
9 certain immunity for another incident in New Jersey?

10 A Not until yesterday when my lawyer was talking  
11 to me about it.

12 Q And today you were granted immunity; is that  
13 not correct?

14 A Yes, I guess I was.

15 Q And the judge told you that you were granted  
16 immunity?

17 A Yes.

18 Q Mr. Crawford, in that statement that you signed  
19 on June 8th, 1973, marked Defendant McCloskey's Exhibit B,  
20 you were asked a question, and I pose the question by  
21 Mr. Monroe:

22 "In reference to the killing of the postal  
23 employees on April 5, 1973, at New York, do you have any  
24 knowledge of the people that planned and executed that job?"  
25

1  
2 Now, do you remember making the following answer  
3 to that question:

4 "The only knowledge I have about that was when  
5 I was in New York and I went to a street that was on the  
6 route the truck was supposed to take and that is the only  
7 knowledge I have."

8 Do you remember giving that answer?

9 A That was; yes, I do.

10 Q Before you testified, did you have occasion to  
11 speak to Mr. Kenney, the United States Attorney, about your  
12 testimony here?

13 A Yes.

14 Q When did you talk to him about that?

15 A I think about a week or two ago he called me  
16 in and talked to me.

17 (Continued on page 455.)  
18  
19  
20  
21  
22  
23  
24  
25

12/13/73  
PM T-2

gtmch 1

P. Crawford-cross

788a

455

Q And did you also talk to him sometime yesterday or this morning?

A I haven't talked to him yesterday. I talked to him after Court out there, right there (indicating).

Q When was that?

A After the court recess.

Q And did you also have -- during a recess? You mean after you had testified this morning and before I started questioning you now?

A No, I asked to speak to him out there because I didn't understand something.

Q I see.

And you spoke to him out in the hall?

A Yes, sir.

Q Mr. Crawford, on the page of that same statement, do you remember this question by Mr. Monroe:

"What happened on Tuesday, March 20, 1973, concerning the job?"

And do you remember giving this answer to it:

"Well, on Tuesday morning, I guess it was about 9:00 a.m. when I got to Rippey's house, and at that time he was eating breakfast so I waited for Terry to come."

Then you go on, you say, "We arrived at Brooklyn, New York about 3:30 or 4:00 p.m. and then I

called Chester's phone number, he told me to tear it up after I called."

Had you written down Chester's phone number?

A Had I written it down?

Q Yes.

A Yes, I did.

Q And what had you written it on?

A Some piece of paper. I don't remember which.

Q And after you called him, you had torn it up?

A Yes, I did.

Q And that a woman's voice answered the telephone that you had called and she told you that Chester left a message for you to meet him at 3rd Street in Brooklyn in the Williamsburg section, that Chester arrived at about 5:00 p.m. and he and Terry talked for about fifteen or thirty minutes, that then you left 3rd Street and went to South Street to go over the run that the mail truck was supposed to be taking. Chester was explaining to Terry that this was the route the mail truck takes.

"He says, 'It stops in one place and leaves there and goes to another and then proceeds down 10th Street.'"

"This is where it ended up at. The conversation was mainly about where they were going to hit the truck. They had not really decided where they were going to hit



1  
2 it yet. They picked up the money at the Federal Reserve  
3 and then went to the rest of the post offices and they  
4 were going to hit it somewhere after they got to the  
5 Federal Reserve.

6 "After the run was over, he said it would be  
7 safer to go back to New Jersey to get a room than to stay  
8 in the City. We then went back to the Holiday Inn, the  
9 one you came to after you go through the tunnel, lower  
10 Manhattan. Terry signed us into the room under his name.  
11 We stayed in all night after we signed in the room.

12 "Terry made a call to Geoffrey. I did not hear  
13 the conversation. I was sleeping. He told me the next  
14 morning that a friend of his was coming up and Geoffrey  
15 called from Morristown, New Jersey."

16 Now, that is on Tuesday, March 20, 1973, is  
17 that correct?

18 A That would have been on a Wednesday, I believe,  
19 because we left Monday night.

20 Q Let me show you the paper. I refer to Page 2.

21 A We left D.C. Monday afternoon, so it might have  
22 been Tuesday.

23 Q That would have been Tuesday, and that was  
24 Tuesday, March 20th.

25 Now, on this day, the only people you had met

with was your brother, Chester, and Terry; is that correct?

A Yes.

Q You hadn't met with a Tony on that day, had you?

A No, I didn't meet.

Q So, the three of you, you, Chester, your brother, and Terry met and you went downtown to the downtown area around the Wall Street area, is that correct?

A Yes, yes.

Q And with the three of you there, Chester laid out the route and Chester told you what was going to happen and what was going to be done, isn't that correct?

A I said he was talking about it.

Q Didn't you say that Chester was explaining to Terry that this was the route the mail truck takes?

A Yes, I did.

Q And Chester told you that?

A Yes.

Q And he told Terry that, with the three of you there?

A Yes.

Q And only the three of you there.

Geoffrey hadn't arrived yet, had he?

A What date was this now?

Q This was Tuesday, March 20th. That was the day

before Geoffrey came up.

A I do know we went over before Geoffrey came up.

Q That's right, the day before Geoffrey came up, and you and Tarry spent the night in a motel over in Jersey, the two of you?

A Yes, yes.

Q And that was before Geoffrey came up?

A Right.

Q So, the day before Geoffrey came up, it was just the three of you following the so-called route, isn't that correct?

A Yes.

Q And nobody else was there? Geoffrey hadn't arrived?

A No, Geoffrey hadn't arrived.

Q And nobody else was there except the three of you, is that correct?

A Yes.

Q Now, this route that he described, will you tell me the route that Chester described to you the mail truck was going to take?

A Well, I'm not familiar with the street. I think it was Wall Street.

Q Wall Street?

A And he said it go down Wall Street about a few blocks and make a turn here and go down to another post office, and he went in that post office for awhile and he come out.

Q How about 10th Street, you mentioned you stayed in 10th Street.

Did this tour you took include 10th Street?

A Well, I don't remember mentioning anything about 10th Street. If I did, it slip my mind.

Q Do you remember South Street?

A Yeah, I remember South Street, but I don't remember nothing about no 10th Street.

Q Let me show you your statement and ask you to read this portion here, if you will (indicating).

Doesn't that say, "Then we left 3rd Street and went to South Street to go over the run that mail truck was supposed to be taking. Chester was explaining to Terry that this was the route the mail truck takes. He said, 'It stops in one place and leaves there and goes to another and then proceeds down 10th Street. This is where they ended up at.'"

Is that the statement that you made, sir?

A I might have said it, but I don't remember 10th Street.



THE COURT: He says now twice he doesn't remember 10th Street.

Q But that is your statement?

A It's in there, yes, but I don't remember 10th Street.

Q But you told that to the post office inspector?

THE COURT: No. That's his point. He says he doesn't remember mentioning --

MR. MARTIN: All I am doing --

THE COURT: I know what you are doing.

Twice he gave you the same answer. I am merely asking you to go to something else.

MR. MARTIN: I would like to make the record clear that it is his statement that he said 10th Street.

THE COURT: He knows that. He is saying he doesn't remember 10th Street.

MR. MARTIN: Your Honor, I want the jury to know that.

THE COURT: You have done it three times now. Let us go on to something else.

MR. MARTIN: Thank you.

Q On the 20th, that is this day that Chester took you over the route, did you do anything else on that day?

A This would be on Wednesday?

1  
2 Q This would be Tuesday, the 20th, the day before  
3 Geoffrey came up.

4 A Truthfully, sir, it's been back. I can't  
5 remember what happened after that.

6 Q Excuse me?

7 A I can't remember what happened.

8 Q You testified this morning about certain things  
9 happening, though, didn't you?

10 A But you asking me to tell you something that I  
11 can't remember what we did after we left there. I know  
12 after we left from South Street we went to Jersey, like  
13 I told you, and went to the diner and we left the diner  
14 and went to the Holiday Inn. This would have been on  
15 Tuesday, the day that we arrived.

16 Q Isn't it true that you went to the diner on  
17 Wednesday, the next day after Geoffrey arrived?

18 Let me ask you this question and let me read  
19 this question and answer you gave. This is on Page 3  
20 and this is a question by Mr. Monroe:

21 "On Wednesday, March 21, 1973, what happened?"

22 Now, this would be the following day. This  
23 would be Wednesday, March 21st, the day after you arrived.

24 Tell me if you remember this answer or if this  
25 is your answer, and I am referring to Page 3 of that

document.

"When I first woke up I called Chester and he told me as soon as the others do arrive to meet him on 3rd Street in Brooklyn.

"Geoffrey arrived about 2:00 p.m. and then we went to 3rd Street in Brooklyn and arrived at about 4:00 or 4:30 p.m., and then went to the lower part of Manhattan and checked the route again."

Do you remember that?

A Yes, I do.

Q And do you remember going there?

A Yes, I do.

Q And you went there with Chester, you went there with Geoffrey and you went there with Terry?

A Yes, I did.

Q The four of you, is that correct?

A That's correct.

Q And no one else went there with you on that date?

A I didn't see anyone else there.

Q And no one else met you there?

A Not to my knowledge they didn't.

Q It was just the four of you?

A Yes.

gmch 10

P. Crawford-cross

797a

Q "The four of us, Chester," that's your brother, "Terry," who you had come up with the day before from Washington, is that correct?

A Yes.

Q " -- and Geoffrey," who drove up from out of state to meet you that day, "and myself went over the run. They explained the run to Geoffrey to see what he could come up with and to see if he had any good ideas of where they could hit the truck."

Who explained this to Geoffrey?

A Who explained it to Geoffrey?

Q Was it Chester?

A Yes. He was asking him if they had any better ideas to, you know, they could do it on their own, you know, make it on their own.

Q And this was better ideas from what he had already had?

A I don't know. Like I say, after I went over one time, I wanted to abandon the plan and I didn't want to hear it any more, so what they were talking about I tried to close my ears to.

Q Did you, in fact, close your ears to what these three men were talking about, your brother and Terry and Geoffrey?

SOUTHERN DISTRICT COURT REPORTERS

UNITED STATES COURT HOUSE

1001 SQUARE N.Y., N.Y. 10007 TELEPHONE: ORTland 7-4800



A Well, no, I couldn't close them, but I heard what they were saying but I wasn't participating.

Q But you did, in fact, hear what they were saying?

A Yes, I heard it.

Q And they were planning and Chester was saying, "This is the way I see it. Can you give me any better suggestions," isn't that correct?

A I don't remember them exact words.

Q And to the effect, was he saying something to the effect, "Well, I think we should hit the truck here. Do you think it might be better to hit it there?"

A Yes.

Q And this is in the vicinity of South Street, 3rd Street and 10th Street?

A You keep bringing up 10th Street, sir. I don't remember.

THE COURT: Mr. Martin, now, please. We have eliminated 10th Street. Please stop repeating it.

MR. MARTIN: Your Honor, this is --

THE COURT: I know it is there, but the witness twice has told you he doesn't remember it, so why do you keep going back to it?

MR. MARTIN: That was the previous day. I am on

the second day now.

THE COURT: Go ahead.

Q Isn't it a fact that on that day Chester called you to meet him?

A I called Chester. If you talking on a Wednesday morning, I called him from the Holiday Inn and he asked me -- he told me to meet him in Brooklyn after Geoffrey arrived.

Q Didn't you tell us before that you had torn up the telephone number and destroyed it for Chester?

A Yes, I had tore it up, but I have a head and remembered it.

Q Oh, you remembered it?

A Yes.

Q What is the number?

A I don't remember now, because it's been so -- and I have had so much pressed on me about this case that I do not remember the number now.

Q You say here that the spot was still undecided. What did you mean by that?

A They hadn't yet come to an agreement, I don't guess, where they was going to hit the truck at.

Q And that is the three of them?

A I was going to abandon the plan because I didn't

gtmch 13

P. Crawford-cross

800a

1  
2 want to go through with it.

3 Q You say here that they said they had a man to  
4 disarm the people and I guess the same person who was  
5 going to disarm the people was going to drive the truck.

6 Did you say that?

7 A I say that.

8 Q Do you know which of these three men said that?

9 A Which three men say --

10 Q Yes. Did Chester say it or --

11 A Chester say it.

12 Q Chester said it.

13 "Terry and Geoffrey were to take the guards  
14 and put them in the car and knock them out and tie them  
15 up and leave them there."

16 Who said that?

17 A Who say that?

18 Q Yes.

19 A I don't remember who say that.

20 Q But it was one of the three?

21 A Yes, it was one of the three.

22 Q "They said all they needed was two pistols,  
23 rope and an old blanket so they could tie them up and  
24 then leave them in the car and then they could leave."

25 Who said that?

A I'm not positive who say it, so I won't want to say it.

Q But it was one of the three?

A But it was in the discussion. It was in the discussion, yes.

Q And it was one of the three with you?

A Yes.

Q And then you say, "This is what Chester was telling them. This is the way it was going to work."

So, would you say it was Chester?

A No, I won't, because I don't remember.

In the discussion, I was trying to pay as less attention as I could to it because I didn't want no part of it.

Q Will you look at that statement on Page 3 and see if that refreshes your recollection, where it says, "This is what Chester was telling them. This was the way it was going to work."

Does that refresh your recollection?

A Yes.

Q Then we go on, "There would be a car behind them and a car in front of the post office truck."

Who said that?

A Chester.



Q "We were supposed to meet a guy at 6:00 p.m., but he did not show."

Who said that?

A Who say that?

Q Who said that, if you remember?

A Chester say was supposed to be somebody there but they didn't show.

Q Do you remember this:

"Chester said he was supposed to get the car which was to stop in front of the truck."

Did Chester tell you that?

A Yes, he say that he was going to get a car, I guess the car was going to be stolen, that the car would stop in front of the truck to stop the truck, and Terry and Geoffrey was going to take the driver and the guard.

Q And then it goes on:

"The car would be a station wagon or a four-door car."

I suppose Chester also said that?

A Yes.

Q Then you go on and say, "The guy never showed up."

Do you remember that?

A I do.

2 Q So nobody else showed up to meet the four of  
3 you that day?

4 A I didn't see anybody else.

5 Q And you were with the other three during all  
6 that period of time now?

7 A This was on Wednesday?

8 Q Right.

9 A Yes, sir.

10 Q And you didn't leave those three at any time,  
11 did you, until you went back to Jersey?

12 A No, I didn't.

13 Q And what time would you say you got back to  
14 Jersey with those three people?

15 A Well, we went back to Jersey, it was sometime  
16 after 5:00. We went back to some bar in Jersey, I don't  
17 know where it was in Jersey, but Chester went inside  
18 to talk to somebody. We stayed outside.

19 Q So Chester was the only one who went inside  
20 this bar?

21 A Yes.

22 Q And you and Geoffrey and Terry stayed outside?

23 A That's right.

24 Q In the car, and never went into the bar?

25 A No, we didn't go into the bar.

Q And you never heard any conversations in that bar?

A No, I didn't.

Q And you never saw any of the people that was in that bar?

A I didn't go in.

Q So if Chester told this Court and jury that you went into that bar and spoke to some people, that would not be correct?

A I did not go into the bar, like I stated here, and I don't know who he met.

Q And Geoffrey didn't go into the bar?

A The three of us stayed outside and Chester went in.

Q And Terry and Geoffrey and you were out.

Now, you go on to say, "The guy was white. I don't know what kind of business he was in. He was a little smaller than I, but about the same ehight."

When you say "a little smaller," you mean in build? Do you mean a little thinner? Is that what you meant?

A What I was trying to tell them, I didn't get a good look at the guy because I didn't want to because after I went over the route, I didn't want no part, and I

1 was trying to see and hear as less as possible because  
2 I didn't want no parts of it.

3 Q So you would not be in a position, really, to  
4 recognize that man or describe that man, would you?

5 A You say I wouldn't be in position?

6 Q Yes. If you saw him now walking past you in  
7 the chair, you would not be able to recognize him,  
8 would you?

9 A Yes, I would.

10 Q You would? Would you describe him for me,  
11 please?

12 A Well, it's hard to --

13 THE COURT: I don't know which --

14 MR. KENNEY: Objection, your Honor. Mr. Martin  
15 is referring to sentences following the statement after  
16 the witness said, "The guy never showed up," and the he  
17 proceeds to describe the guy that never showed up, and  
18 I wonder if we can have a point of clarification. I  
19 am just confused as to what we are talking about.

20 MR. MARTIN: All right, question withdrawn.

21 Q When you say, "He was a little smaller than I,  
22 but about the same height," are you talking about a man  
23 that you saw or a man you did not see?

24 A Sir, I don't understand you.



1  
2 Q Will you look at Page 3 on the exhibit that is  
3 before you, and I am reading from there toward the  
4 bottom, the fifth line down from the bottom, "He was a  
5 little smaller --"

6 THE COURT: Why don't you read the sentence  
7 before?

8 Q "The guy was white. I don't know what kind of  
9 business he was in. He was a little smaller than I,  
10 but about the same height."

11 Now, are you describing here a man whom you  
12 saw?

13 A I tried to describe the man that I seen, but  
14 I was a distance away. Like I say, he came in the diner  
15 that night. We was parked on the parking lot and him  
16 and Chester went in the diner and talked.  
17  
18  
19  
20  
21  
22  
23  
24  
25

3PM  
Carroll

jkd

P. Crawford-cross

807a 474

Q I see. So we are not talking -- I see. All right, fine.

This was after you were downtown in New York and you went out to Jersey to a diner; is that your testimony?

Did you go to a diner?

A No, I was trying to explain --

Q Will you explain it, please?

A I was trying to explain it to you and you take it a little too fast.

Q I'm sorry. Explain it in your way.

A No, you can go ahead. I'll follow you from where you're going.

Q Did there come a time when you left downtown and went out to Jersey that night?

A Yes, it did.

Q And did there come a time when you say you went to a diner?

A Yes, I did.

Q And when you arrived at the diner you stayed in the parking lot in your car, is that your testimony?

A Yes, I did.

Q And who else was in the car with you while you were in the parking lot?

1           A       I was in the car with Geoffrey, Terry and  
2  
3       Chester.

4           Q       And did there come a time when anyone of you  
5       got out of that car?

6           A       Didn't nobody get out but Chester. He went  
7       and made a phone call, come back and say, "The man will be  
8       here in about 30 minutes," and so we sit in the car and the  
9       man showed up in, I don't know what time it was, but he  
10      showed up, and we stayed in the car, and Chester went and  
11      talked to him a few minutes, 10 or 15 minutes, I guess.  
12      Then he returned to the car.

13          Q       So that of the four of you who were sitting in  
14      the car, the only one to go into the diner was your  
15      brother Chester?

16          A       Yes.

17          Q       And neither you nor Terry nor Geoffrey got out  
18      of the car to go into the diner; is that correct?

19          A       I don't think so.

20          Q       Now, how far would you say the car was parked  
21      from the entrance to the diner?

22          A       Well, we was parked like -- the diner sits in  
23      the middle -- we was parked like over to the right, and I  
24      was in the back seat of the car.

25          Q       Do you have any idea of the distance? If you

do, let me know.

A No, I don't.

Q And you were seated in the back, and can you tell me where Geoffrey was seated?

A I don't remember, sir.

Q And can you tell me where Terry was seated?

A It was two cars. Chester took his car and Terry took his car.

Q And you were in Geoffrey's car?

A I was in Terry's car for we had left Geoffrey's car in Brooklyn.

Q So there came a time when this man who you described in here, came to the diner?

A Yes.

Q And I take it that he went into the diner?

A They went into the vestibule of the diner.

Q They went into the lobby of the diner?

A Yes.

Q Were you in a position to see this?

A Not see him clearly.

Q You couldn't see him clearly. And did your brother Chester then go into the lobby of the diner?

A Yes, he did.

Q Now, they didn't go in and sit down at a table



1 or on stools?

2  
3 A They went into the vestibule of the diner and they  
4 began to talk.

5 Q And they were standing up?

6 A Yes.

7 Q And they didn't sit down on any stools, did they,  
8 that you saw?

9 A They went into the vestibule of the diner where  
10 it opens, before you go into the door.

11 Q Oh, I see. What you are telling me is that they  
12 didn't actually go inside the diner; it was just the vesti-  
13 bule?

14 A What I call the vestibule is the diner, and then  
15 when you walk in, there is another door go inside the diner.

16 Q And they didn't go inside that inside door?

17 A No, they went where the phone was in the vesti-  
18 bule of the diner.

19 Q How long did they stay there?

20 A I guess 10 or 15 minutes. I didn't really time  
21 it.

22 Q Could you see them all this period of time?

23 A I just told you I was in the back seat and I  
24 couldn't get a good look at the man.

25 Q Did there come a time, then, after this five or

ten minute period when your brother came out of the diner and got back into his own car?

A Yes.

Q What did he do after he came out of the diner?

A We went to Route 9 at a Motel where Terry and Geoffrey stayed the night and I went home with Chester.

Q You went home and Chester went home?

A Yes, I did.

Q And the two of you went together?

A Yes.

Q You and your brother, and then Terry and Geoffrey stayed in a hotel?

A At a motel.

Q And nothing else happened that night?

A I went home with him and went to bed.

Q And then you slept all night?

A Yes.

Q Just for the moment, what you did see of this man who came into the diner -- not into the diner, but who came into the lobby and stood with Chester, talking in the lobby, what you did see of him, will you describe as much as possible concerning his height, his weight or anything else you may have noticed about him, please?

A I can't really give a true description of him.

2 Q And other than that man, did you meet any other  
3 men, the four of you, that day or that night?

4 A No.

5 Q Now, I am going to be reading from page 5 of the  
6 document in front of you, and at the top of the page there  
7 is a question by Mr. Monroe:

8 "When did you plan the job?"

9 Now, did you make this answer:

10 "Paul Crawford: It was planned for the 22nd but  
11 the Italian dude from New Jersey did not show up. This man  
12 was the guy who was supposed to bring the supplies. It was  
13 set for the 23rd but he did not show up. By this time, Terry  
14 and Geoffrey were getting impatient, plus the money is getting  
15 short."

16 Did you make that statement?

17 A Yes.

18 Q And then the next, continuing from there:

19 "Chester decided that it would be better for us  
20 to wait."

21 Now, can you tell us, if you remember, what  
22 Chester said at that time about waiting?

23 A No, I don't remember what he said at that time.

24 Q Just for a moment -- I'm sorry to take you back,  
25 but this man who entered the lobby of the diner where your

brother spoke with him the night before that, did Chester mention that that was the Italian dude that you referred to?

A If I can remember correctly, he said, "This is one of the fellows," and that's all I can remember him saying.

Q Well, in your statement, though, you did say, "But the Italian dude from New Jersey did not show up."

Who told you about the Italian dude from New Jersey?

A Well, I don't know the nationalities of peoples. I just say Italian.

Q But somebody must have told you that, did they not?

A Nobody didn't tell me anything. I said it, that he didn't show, you know, that he was Italian, because I couldn't get a good look at him. I don't even know what your nationality is.

Q Did the man that you saw -- did you take him to be an Italian?

A That's what I took him to be.

Q Then going on from there, the next statement, continuing that same paragraph:

"We came back to Washington on Saturday afternoon."

Now, who came back with you to Washington?

A We left the motel, the Ramada Inn, on a Saturday



1 night; we took Geoffrey's car, left Terry's car there, which  
2 was the Cadillac. We took the Pontiac back. We went through  
3 Long Island to get some money from Chester, to get back to  
4 DC, because we didn't have enough money.  
5

6 After we left Long Island, we proceeded back to  
7 DC. We got back to DC about 3:00 or 4:00 o'clock that Sunday  
8 morning, and I called Rippy and told him that I would be over  
9 to pick up --

10 MR. MARTIN: I'm going to object and ask that that  
11 be stricken, if your Honor please.

12 My question was who went back with him to  
13 Washington.

14 THE COURT: All right.

15 Q Did Geoffrey and Terry both go back with you to  
16 Washington?

17 A Terry and Geoffrey and myself went back to  
18 Washington.

19 Q The three of you. Now, before going back, you  
20 say you went to see Chester to get some money from Chester?

21 A Yes, we did.

22 Q Was this at Chester's home that you saw him? I  
23 say, was this at Chester's home?

24 A I get crossed up in Long Island. I know we went  
25 by where Chester was at and got some money.

- 1  
2 Q I mean, was it where he was living?  
3 A He was there.  
4 Q Can you tell me where it was, sir?  
5 A No, I am not too familiar with Long Island.  
6 Q Was it a house?  
7 A Yes, it was a house.  
8 Q Who was in the house?  
9 A I didn't go inside.  
10 Q And did Chester come outside?  
11 A He came outside.  
12 Q Do you know if it was his home?  
13 A I know it wasn't his home.  
14 Q It wasn't his home?  
15 A No.  
16 Q And what day of the week did you leave for  
17 Washington; do you remember the date?  
18 A The date?  
19 Q The day or the date.  
20 A I think it was Saturday night.  
21 Q And that would have been March 24th, approxi-  
22 mately, the day after you testified to before; would that be  
23 the day following the day you were just describing before?  
24 A We left here on a Saturday night, I think it was.  
25 Q And after that you say, "This is the last that I

1 saw of them until I saw Geoffrey this morning, June 8, 1973."  
2 Is that correct?  
3

4 A That Saturday night when Geoffrey dropped me off  
5 at Rippy's house, I didn't see him any more until I was  
6 picked up by the postal inspectors which was on June 8th of  
7 this year.

8 Q And you didn't see any of the other people between  
9 that time when you went to Washington and left Geoffrey and  
10 Terry, you didn't see Chester?

11 A No, I didn't.

12 Q And you didn't see Terry and you didn't see  
13 Geoffrey?

14 A No, sir, I didn't.

15 Q And you didn't see this Italian dude?

16 A I was in Washington at the time.

17 Q But I am saying, from that time on you never saw  
18 him again?

19 A When I went back on Saturday night, I didn't come  
20 back to New York anymore until they brought me here.

21 Q And when was that?

22 A They brought me here the 17th of June.

23 Q Do you didn't know anything that was going on  
24 after you left New York?

25 A I didn't even know what had happened until they

1 picked me up on June the 8th and told me that a post truck  
2 had been robbed and an employee had been killed. I didn't  
3 even know --  
4

5 MR. DIRENZO: I don't like to interrupt. May we  
6 approach the bench, your Honor?

7 THE COURT: You can. Come up.

8 (At the bench.)

9 MR. DIRENZO: If your Honor please, the reason  
10 why I asked your Honor to permit us to approach the bench,  
11 an Assistant United States Attorney in this courtroom is now  
12 looking through a bunch of mug shots which are openly exposed  
13 on his table and your Honor can see it right from where you  
14 are sitting, I believe, and I think it is grossly improper  
15 at this time.

16 I think whether he did it intentionally -- I'm  
17 not saying he did it intentionally, but even if he did it  
18 unintentionally, it would prove very prejudicial to these  
19 defendants on trial in this case.

20 THE COURT: Are you looking through mug shots?

21 MR. KENNEY: Mr. Carey is, at my request, your  
22 Honor. The identification of this witness here has been  
23 challenged and we intend to elicit testimony as to a prior  
24 identification. It is set forth in the statement which  
25 Mr. Martin is referring to and the identification was made



from a spread of photos on June 8th, 1973.

THE COURT: Whose --

MR. KENNEY: Mike McCloskey.

MR. HOPPER: May I interject something there?  
That is not a positive identification in that statement.

MR. DIRENZO: He said "similar," if I remember  
his testimony correctly, on direct examination.

THE COURT: Well, stop looking through the mug  
shots. That will take care of the present point. We will  
worry about the second point later on.

MR. DIRENZO: All right, your Honor.

THE COURT: All right. Go ahead.

(In open court.)

MR. MARTIN: May I continue, your Honor?

THE COURT: Yes.

BY MR. MARTIN:

Q Mr. Crawford, continuing on page 5, I read the  
next question to you by Mr. Monroe:

"Were you in contact with your brother Chester  
Crawford after you returned to Washington, D. C.?"

And your answer:

"Paul Crawford: Yes."

Do you remember that?

A Yes, I do.

Q And then the next question by Mr. Monroe was:  
"When?"

The next answer by you was:

"Once in April he called and asked if anyone had been in contact with me. I told him no. He said if anyone asks any questions say nothing."

Do you remember making that answer?

A I said that.

Q Do you remember when in April he called you?

A No, I don't remember when it was. I know it was on a Sunday, but what date I don't remember.

Q So, in fact, you did have a contact with your brother Chester by phone after you returned to Washington?

A I thought you mean personal contact. I talked to him on the phone for a few minutes.

Q Now, did you have any other telephone conversations with him after you returned to Washington on or about March 24, 1973?

A No, I didn't.

Q Did you ever write him any letters?

A No, I didn't.

Q Did you ever receive any mail from him?

A No, I didn't.

Q Did you ever talk with any members of his family

other than yourself?

A No.

Q Did he ever send you any messages through any other other individuals?

A No, sir.

Q And then this statement that you signed and swore to before a notary public, is that correct?

I say, this statement was sworn to before a notary public?

A The postal inspector was there.

Q He asked you to swear to it?

A He did.

Q And you did swear to it?

A I did.

Q And this was your recollection at the time of everything that happened during your visit from Washington during the week of March 20th until you returned about March 24th; is that correct?

A No, it wasn't.

Q Excuse me?

A Something happened on the 22nd of that Thursday.

Q You mean something happened other than you stated in here?

A I told them what they --

MR. MARTIN: Excuse me. May I ask the witness:

Q Did something happen other than what you stated in here?

A Not pertaining to this, no.

Q I see. And did you tell the postal inspectors about this something else that happened?

A They didn't ask me about it.

Q Did you tell anybody else about what supposedly had happened?

A When I went back to D.C. --

THE COURT: Wait. Did you tell anybody else? Yes or no?

THE WITNESS: Yes.

THE COURT: Yes.

Q And who did you make this statement to?

A Robert Rippy.

Q Other than Robert Rippy, did you tell anybody else what had happened?

A No, I didn't.

Q When for the first time did you tell somebody that something else happened than was contained in this paragraph?

A When?

Q Yes.

A I didn't.



Q Not until this morning, isn't that correct?

A No, I knew about it before and I --

MR. MARTIN: No further questions.

Oh, your Honor, I'm sorry. There was one other point I wanted to make.

Q Now, your brother, when he testified, was asked this question:

"And when you came to the diner, did you have a conversation with him?"

And he answered:

"Yes, we went inside and we sat down and we had a conversation, and I told him who these fellows was, and we talked, and he says, 'We will take them to Wall's Tavern,' because he didn't want to go there first."

Then he goes on:

"Was anyone else present at these conversations besides you," and he mentioned another name.

A Well, we were sitting on the stools, Carroll, myself, Terry, Geoffrey and Paul Crawford."

That's not so, is it?

MR. KENNEY: Objection. Can we fix a time and date on this, your Honor?

THE COURT: What date are you talking about?

Q "Now, after this conversation, did you do anything

1  
2 else on the 20th, the first day that you met Terry?"

3 Now, on the 20th did you go inside the diner and  
4 sit down at a stool with "Carroll, myself, Terry, Geoffrey  
5 and Paul Crawford"?

6 A No, I didn't.

7 (Continued on page 490.)  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 gtd

P. Crawford-cross

824a 490

2 Q So that if your brother said that, it's not so,  
3 isn't that correct?

4 A Here's the statement that I made, sir. I think  
5 you have it.

6 Q And your statement is the correct one?

7 A That's my statement that I made.

8 Q And you were sitting outside in the car at that  
9 time?

10 A Just like I told you.

11 Q Right.

12 Continuing on that same day, there was a question  
13 asked again, of your brother:

14 "When you got to Wall's Tavern, will you tell us  
15 what you did?

16 "A Well, me and Goeffrey and Terry went inside--  
17 no, me and Terry and someone else went inside, and we was in  
18 there a couple of minutes and then we discovered we left  
19 Geoffrey and Paul outside, so we went outside and got them  
20 and brought them in and they sat at the bar and me and Carroll  
21 and Terry went in a small room off the bar and was talking."

22 You didn't go into that bar, did you?

23 A You have the statement, sir. I stated that I was  
24 outside the bar.

25 Q And that you didn't go into the bar?



2 A No, I didn't go into the bar.

3 Q And you didn't talk to any of those people in  
4 the bar?

5 A I told you, Chester went into the bar.

6 Q Right. And you and Geoffrey and Terry stayed  
7 outside the bar?

8 A Yes.

9 Q So that what Chester said wasn't so, isn't that  
10 correct? Your statement is the correct statement that you  
11 were outside, isn't that so?

12 A I was outside, me and Geoffrey and Terry.

13 MR. MARTIN: Thank you, your Honor. I have no  
14 further questions.

15 THE COURT: Mr. Hafetz.

16 CROSS-EXAMINATION

17 BY MR. HAFETZ:

18 Q Mr. Crawford, in March of this year, the middle  
19 of March, did your brother Chester have your telephone number?

20 A He have my sister's telephone number.

21 Q And your brother Chester testified to a telephone  
22 call that he made to Mr. Rippy in the middle of March, my  
23 client being Mr. Rippy.

24 Do you know where Chester got that telephone  
25 number from?



2 A Yes, sir.

3 Q Where was that?

4 A From me.

5 Q He didn't get it from your sister?

6 A I say he got it from me.

7 Q Now, you testified that prior to coming to  
8 New York, the night before, you went over to Mr. Rippy's  
9 house; is that correct?

10 A On the Monday night, yes.

11 Q That was March 19th, I believe you were talking  
12 about?

13 Had Chester called you prior to your going over  
14 to Mr. Rippy's house?

15 A No. He called Rippy.

16 Q When you went over to Mr. Rippy's house that  
17 evening, did Mr. Rippy say anything to you when he was dis-  
18 cussing Chester's phone call, did he say anything to you  
19 about Chester was planning a hijacking in New York?

20 A He say that Chester wanted me to come up there  
21 to show, do something, check it over, see what he wanted to  
22 do. It was a plan, but he didn't state what kind of plan it  
23 was.

24 Q And, Mr. Crawford, when you went over to  
25 Mr. Rippy's house that night, was Mr. Myers there?

1  
2 A Was he there when I got there?

3 Q Yes.

4 A No, he wasn't.

5 Q Did you meet him at some point that night?

6 A Rippy called him and he came over in about ten  
7 or 15 minutes.

8 Q He came over in about ten or 15 minutes?

9 A Yes.

10 Q Now, Mr. Crawford, in your statement to the  
11 postal agents on June 8th, 1973, did you state to the agents  
12 that Mr. Rippy didn't know what was planned in New York?

13 A If he did, he didn't say anything to me about it.

14 Q He didn't tell you what was planned, did he?

15 A He say that it was something up, Chester wanted  
16 some dudes, some new faces from out of town to come up there  
17 and asked me would I go along with him to show him where  
18 Chester stay because he say Chester ask him this, and I say  
19 yeah.

20 Q Is what you just said the full extent of  
21 Mr. Rippy's statement?

22 A He say it was something, but as him knowing me,  
23 he said, "I wouldn't go up there if I were you."

24 Q Mr. Rippy told you, advised you not to go to  
25 New York?

1           A       Yes, he did.

2           Q       Was there any discussion about a post office  
3 robbery when you were at Mr. Rippy's house that night?

4           A       No. The only thing he say was something up and  
5 Chester wanted some new faces out of town. He didn't dis-  
6 cuss the postal trucks.

7           Q       Those were his words, there was something in  
8 New York?

9           A       Yes, it was.

10          Q       And that Chester wanted some people to come to  
11 New York?

12          A       Some new faces, yes.

13          Q       That was the extent of it? Something in New  
14 York?

15          A       Yes.

16          Q       Not specifying what it was?

17          A       He didn't specify what it was.

18          Q       In fact, in your statement to the postal agents  
19 on June the 8th, 1973, Mr. Crawford, you did not mention  
20 anywhere in that statement, did you, that on March 19th at  
21 Rippy's house he mentioned anything about a crime?

22          A       This was on Monday night. On Tuesday --

23          Q       Monday night, March 19, at Mr. Rippy's house,  
24 and your statement to the postal agents, did you say anything  
25

about Mr. Rippy mentioning anything about a crime?

A It was a crime mentioned, but he didn't say what.

Q Mr. Crawford, I ask you to take a look at your statement.

THE COURT: He has a copy in front of him.

Q Read pages 1 and 2.

Have you read it? You read pages 1 and 2?

A Yes.

Q That is a sworn statement by you, is that correct?

A Yes.

Q And pages 1 and 2 relate to your conversation at Mr. Rippy's house that night, is that correct, Mr. Crawford? Is that correct? Pages 1 and 2 relates to your conversation at Mr. Rippy's house that evening.

A Yes.

Q Is there anything on those pages at all, any mention of the word "crime"? Yes or no?

A The only thing --

Q Mr. Crawford, is there any mention of the word "crime" on those two pages?

A I don't see the word spelled out crime, no.

Q It's not there, is it?

A Not crime, no.



1  
2 Q That was a correct statement, is that correct,  
3 that you gave the postal agents?

4 A That's right, yes.

5 (Continued on page 496.)  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q In fact, it was much closer to your conversation with Mr. Rippy at that time than today is, is that correct? This was June. You are talking about a March event at that time, right?

A Right.

Q And we are now in the month of December. Your recollection was more accurate at that time?

A I don't understand what you mean by that.

Q Was your recollection of your conversation with Mr. Rippy of March 19th, was that recollection better in June or now?

A What do you mean, is it better now than it was --

Q Was your memory of it sharper in June or now?

A So much have happened. I been so depressed about this case, but I remember what I told them, the postal inspectors.

Q So, so much has happened since then, so that your recollection or your memory then was better; is that correct?

A It's the same.

Q It's the same?

A Yes.

Q In fact, Mr. Crawford, on Pages 1 and 2 of that

statement which you ave in June of 1973, six months ago, there is no mention of any unlawful act whatsoever, is there, in your discussion with Mr. Rippy?

A You have it in front of you, what I say.

Q I am asking you, Mr. Crawford.

A Well, I can't determine whether it --

Q Mr. Crawford, do you want to look at your statement again?

THE COURT: Stop yelling.

A This is what I gave the postal --

Q Mr. Crawford, is there any mention on Pages 1 and 2 of an unlawful act in your discussion with Mr. Rippy on March the 19th?

A I can't determine that. I'm not a lawyer, sir. I gave the postal inspectors a statement and this is the statement I gave to them.

Q Now, you stated that on March 19th there came a time that evening when Terrence Myers arrived at Rippy's house, is that right?

A That's right.

Q You were there at that time?

A That's right.

Q And you were introduced to Mr. Myers that night?

A Right.

Q About how long did you and Myers stay at Rippy's house?

A About ten or fifteen minutes.

Q And did you both leave together?

A No, I stayed. He left before I did.

Q He left before you did?

A If I remember correctly, he left before I did.

Q About how long did you stay?

A Not long after. As a matter of fact, when I was going out the door he was getting his car.

Q Myers was getting in his car?

A Getting in his car.

Q This was late in the evening?

A This was after 9:00 o'clock, between 9:00 and 10:00 on Monday night.

Q And did you see Rippy again that evening after you left?

A No, I didn't. I seen him the next morning, Tuesday morning.

DEFENDANT CARROLL: Your Honor, excuse me. I hate to break it up, but I have to go to the bathroom.

THE COURT: Is it all right with you, Mr. Dizenzo, if he leaves while you complete cross-examination of this witness?



MR. DIRENZO: As long as he consents to it.

DEFENDANT CARROLL: Thank you, your Honor.

THE COURT: I gather he consents to it, especially since you didn't cross-examine.

(Defendant Carroll left the courtroom.)

THE COURT: Go ahead.

Q Mr. Crawford, talking now still about the evening of March 19th, did Mr. Rippy give you any money that night?

A Did he give me any money on Monday?

Q That night, Monday evening.

A No, he didn't.

Q Did he give Myers any money that night?

A On Monday?

Q Monday night.

A No, he didn't.

Q No question in your mind about that?

A I didn't see him give him any, because Myers left before I did. This on a Monday night, right?

Q That's right.

Now, the next morning is Tuesday morning, March the 20th; is that correct?

A Yes.

Q Did you go to Rippy's house that morning?

1  
2 A I got there around 9:00 o'clock.

3 Q Did you get there before Myers got there?

4 A I was there before Myers.

5 Q After Myers arrived there, about how long did  
6 you stay before you and Myers left Rippy's Louse?

7 A Well, I say between thirty minutes to an hour,  
8 because Rippy was eating, and plus we was talking. He  
9 was -- there was an article in the paper about Iceberg  
10 Slim and Myers was reading the article and I guess we  
11 left there about 10:00 o'clock. You know, I don't have --

12 Q You didn't talk about anything in New York,  
13 did you?

14 A No, we didn't.

15 Q No mention of anything that was planned in  
16 New York?

17 A The only thing was said was Rippy say that he  
18 give either \$30 or \$60 to come up here.

19 Q Was that for gas money?

20 A I presume it was, and a place to stay.

21 Q Did you have any money with you?

22 A I didn't have a dime.

23 Q You didn't have a dime.

24 Had you borrowed money from Mr. Rippy before?

25 A Had I borrowed money from Rippy?

Q On prior occasions.

A No.

Q You never borrowed any money from him?

A No.

Q And when you said you didn't have any money, he lent you some money to come up to New York?

A He didn't lend me anything. He laid the money on the table and Terry Myers picked it up.

Q And that amount you said was somewhere between \$30 and \$60?

A Yes. I stated \$60, but --

Q But didn't you also state it could have been \$30? You weren't sure?

A I didn't count it.

Q It wasn't \$500, was it?

A I didn't count it, but I don't think it was \$500 because we ran out of money and we had to get money from Chester, and there wasn't no way we could spend \$500 in one day.

Q You ran out of money by the time you got to New York?

A Yes, we did.

Q Did you get to New York the same day?

A We left there Tuesday morning, we got to New



York about 3:00 or 4:00 o'clock Tuesday afternoon.

Q And your statement to the postal agents in June, in fact, was that Mr. Rippy gave \$60, is that correct?

A Yes, I did state that.

Q When you got to New York, I believe you testified you saw your brother, Chester, that day; is that correct?

A After we got here, I called the number and Chester was supposed to meet us at 5:00 o'clock, 4:00, 5:00 o'clock -- I don't remember the time, but it was in the afternoon on Tuesday.

Q And when you talked to Chester that day, I believe you testified Chester mentioned something about a plan to rob a mail truck; is that correct?

A He didn't tell me that on the phone. He told me that when he seen me.

Q When you saw him that day?

A Yes.

(Defendant Carroll entered the courtroom at this time.)

Q And that was the first knowledge you had about a plan to rob a post office truck?

A Yes, it was.

Q The first time you had heard it, correct?



2 A Yes.

3 Q Any question in your mind?

4 A That's the first time that I heard it.

5 Q Myers didn't mention it on the way up to New  
6 York, did he?

7 What is your answer?

8 A No.

9 Q In fact, did Myers have any knowledge of what  
10 was planned in New York?

11 A Not to my knowledge he didn't.

12 Q Not until you saw down with Chester, is that  
13 correct?

14 A Yes.

15 Q What time did you say you left Washington that  
16 morning?

17 A Between --

18 Q Approximately.

19 A Between 10:00 and 11:00.

20 Q And what time did you sit down and talk with  
21 Chester?

22 A It was late in the afternoon, between maybe  
23 5:00 -- I don't know the exact time, but it was late.

24 Q Between those approximately six or seven hours,  
25 was Myers with you pretty much the whole time?

1 A He was with me all the time.

2 Q I believe you testified that you returned to  
3 Washington, I believe it was the late hours of Saturday  
4 night or the early hours of Sunday morning.  
5

6 A Yes.

7 Q Which would have been March the 25th, is that  
8 correct?

9 A It was on a Saturday.

10 Q Saturday night going into Sunday morning?

11 A Yes.

12 Q And you say you brought a truck over to Mr.  
13 Rippy's house to park it?

14 A I was working for Sears & Roebuck and I left  
15 the truck in front of Rippy's door.

16 Q Is that because there was parking space more  
17 available over there than where you lived?

18 A No, I -- he lives in northwest; I lived in  
19 southeast.

20 Q And where did you leave the keys?

21 A I gave them to Rippy.

22 Q And then you came back later to get the keys,  
23 is that right?

24 A That's right.

25 Q And that was your reason for coming back, to

1  
2 get the keys?

3 A Yes, it was.

4 Q And it was at that time that you had some  
5 discussion with Mr. Rippy, when you came back to get the  
6 keys, about what happened in New York?

7 A Yes.

8 Q And that's when you told Mr. Rippy for the  
9 first time that there had been a robbery of a payroll  
10 truck in New Jersey?

11 A Yes.

12 Q Up until then, Mr. Rippy had no knowledge of  
13 that, as far as you know; is that correct?

14 A That's correct.

15 Q And that's also when you told Mr. Rippy about  
16 the plan in New York to rob a mail truck; is that  
17 correct?

18 A Yes.

19 Q And that was the first knowledge Mr. Rippy had  
20 of that, is that correct?

21 A Yes.

22 Q Did you indicate to Mr. Rippy that you thought  
23 that those people in New York were crazy?

24 A I told him that I didn't want no part. I says  
25 I wasn't coming back. If I used the word "crazy," I



1 don't remember.

2 Q And did Mr. Rippy himself advise you not to go  
3 back at that time?

4 A No. I just told him I wasn't going back.  
5 I had made up my own mind. I didn't need no  
6 advisement.

7 Q Did he give you any advice or encouragement not  
8 to go back to New York?

9 A No, he didn't.

10 Q Did he say it sounded crazy to him?

11 A He didn't say anything. He didn't say anything  
12 about it when I told him what the --

13 Q He didn't tell you to go back, did he?

14 A I wasn't going back. I had abandoned the plan.

15 Q No, my question is, he didn't tell you to go  
16 back, did he?

17 A No, he didn't tell me to go back.

18 Q That was the last time you saw Mr. Rippy,  
19 isn't it, until after you were both arrested in this  
20 case sometime in June?

21 A The first time I seen Mr. Rippy since then  
22 was here when they brought him from D. C. here.

23 Q Several months later, is that correct?

24 A Yes.



MR. HAFETZ: Your Honor, if I may, I think this has been gone into somewhat, but I don't think in very much detail yet.

Q You referred to the fact that you had pleaded guilty to conspiracy under Count 1 of this indictment, is that correct, Mr. Crawford?

A I pleaded guilty to conspiracy.

Q Under Count 1, is that correct?

THE COURT: The count number is immaterial, Mr. Hafetz.

Q All right.

Under one of the counts of the indictment.

A I don't know. I just pleaded guilty to conspiracy.

Q To the charge of conspiracy in this case?

A Yes, I did.

Q And the maximum sentence that you can get for that is five years, is that correct?

A Yes.

Q And you knew, also, that you were charged in another one of the counts with murder, is that correct?

A I didn't come back.

Q No, no. Mr. Crawford, all I am asking is, do you know that the indictment charged you with the

crime of murder in another one of the counts, murder in the first degree?

A Yes.

Q And you know that if you had been convicted of that, you would have been sentenced to life in prison? You know that?

A I felt that I had --

Q No, no. Did you know that? Do you know that?

A Do I know that?

Q Yes.

A No, I didn't know it.

Q No one ever told you that if you had been convicted of murder in the first degree in this indictment you would have been imprisoned for life?

A I had a choice to plead --

Q Mr. Crawford, did anyone ever tell you that, or are you learning it for the first time now?

A I don't remember.

Q No one ever mentioned that to you?

A I don't understand what you saying.

Q All right.

Mr. Crawford, you knew, also, that besides conspiracy and murder in the first degree, in another charge in the indictment you were charged with assault of

a postal officer. Did you know that?

A The indictment that I seen was conspiracy to rob.

Q There was no murder charge in that indictment?

A At first they charged me with all of them.

Q With murder --

A Yes.

Q -- in the first degree?

A Yes.

Q And with assault on a postal officer?

A I guess so.

Q And you knew if you had been convicted of the assault charge in that count, you could have been sentenced for up to twenty-five years, is that correct?

A Yes.

Q You knew all of that when you pleaded guilty to the conspiracy? Yes?

A Yes.

Q Mr. Crawford, since your arrest in June of this year, where have you been kept?

THE COURT: He doesn't have to answer that.

MR. HAFETZ: All right. I will withdraw that.

Q Since your arrest in June of this year, approximately how many times have you seen post office

SOUTHERN DISTRICT COURT REPORTERS

UNITED STATES COURT HOUSE

FOLEY SQUARE N.Y., N.Y. 10007 TELEPHONE: (212) 486-7400

agents?

A Since I have been arrested?

Q Yes.

A I seen them one time for the first time about two weeks ago in Mr. Kenney's office.

Q And that is when you were interviewed by Mr. Kenney?

A Yes.

Q And how many agents were present?

A One.

Q What was his name?

A I don't know. I didn't ask him his name.

Q Do you see him in the courtroom here today?

A I don't think so.

Q Have you seen other postal agents in the courtroom while you have been testifying?

A You say -- when you mean that, you mean the ones that talked to me before?

Q Any postal agents that you know.

A I don't know whether they are postal agents or not.

Q And when you were interviewed in Mr. Kenney's office with that postal agent present, did that agent take any notes?



A I don't know.

Q Well, did you look at him?

A I was worried about me and talking to Mr. Kenney. I wasn't concerned. He was sitting behind me.

Q How many days have you been brought over here to Court so far awaiting to testify?

A How many days? I have been brought over here each day since Monday.

Q Have you seen any post office agents downstairs while you have been waiting to come up here?

A I talked to one, I think, yesterday or the day before, and he asked me, you know, what -- he asked me about my rap sheet.

Q Did he discuss the case with you?

A He asked me about my rap sheet and that was all.

Q He didn't discuss the case with you in any way?

A No, he didn't.

Q Did he ask what your testimony was going to be?

A He asked me my rap sheet and that was all.

Q Did he discuss Mr. Rippey with you?

A He asked me my rap sheet and that was all.

THE COURT: Mr. Hafetz, you have exhausted

1  
2 that.

3 MR. HAFETZ: Excuse me just one minute, your  
4 Honor.

5 (Pause.)

6 MR. HAFETZ: I have no further questions.

7 THE COURT: We will have a short recess.

8 (Recess.)  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(Jury not present.)

THE COURT: Yes, Mr. Kenney.

MR. KENNEY: Your Honor, this witness, Paul Crawford, has made a prior identification --

THE COURT: No, I don't need the witness here. You can wait outside, Mr. Crawford.

MR. KENNEY: I was saying, he has made a prior identification of McCloskey, Mike McCloskey, from a spread of photographs on June 8th, I believe, 1973.

We would like to elicit testimony as to that identification.

THE COURT: Why?

MR. KENNEY: Because his in-court identification has been challenged.

THE COURT: I don't think that was the subject of cross-examination. The cross-examination dealt with the day before, as to who Mr. Chester Crawford was talking to in the lobby of the diner. That is the day before.

MR. KENNEY: And that is the basis on which this man has said he can identify McCloskey. He has also testified --

THE COURT: I don't get that from the testimony, Mr. Kenney.

MR. KENNEY: I have asked him what his basis was,

1 jkd2

2 and if I ask him on redirect, he will say because he saw  
3 him at the diner and he saw him from inside a car, at the  
4 lot, where the trailer was on the following day, in a  
5 slightly better situation.

6 I don't want to be in a position of not putting  
7 the evidence in and having Martin argue on summation that  
8 he couldn't possibly --

9 THE COURT: Listen carefully: Mr. Martin's  
10 cross-examination dealt solely with whether the witness  
11 could identify the person to whom Chester Crawford was  
12 speaking in the lobby of the diner.

13 MR. KENNEY: That's correct.

14 THE COURT: On direct examination the witness  
15 does not identify Mr. McCloskey as the person he saw that  
16 night. He identifies him as having seen him the following  
17 day.

18 Now, am I wrong in that?

19 MR. KENNEY: Well, my recollection of the record,  
20 your Honor -- I am sure it is probably not as accurate as  
21 your own, but I have just spoken to the witness about this,  
22 not in the courtroom, of course, and he has told me that he  
23 saw Mike McCloskey at the diner and he saw him the next day,  
24 and that is his testimony. So if I am to approach this at  
25 all on redirect, that is what the result will be, and



1 jkd3

2 Mr. Martin, I think, has created a record which makes it  
3 questionable as to whether this witness could in fact see the  
4 person who went into the diner.

5 THE COURT: He said he couldn't describe him.  
6 He couldn't describe him by height or width. He said he  
7 saw him.

8 The identification on direct is only from the  
9 second night. Now, am I wrong in that, Mr. Direnzo?

10 MR. DIRENZO: It is from the second night, as  
11 I recall it, but --

12 THE COURT: Pardon me, the second day, when they  
13 went to Secaucus. He doesn't mention McCloskey on the first  
14 day, on that night, on direct. Is that right, Mr. Martin?

15 MR. MARTIN: That is my understanding, your  
16 Honor.

17 THE COURT: He doesn't mention --

18 MR. KENNEY: My understanding, your Honor, is  
19 he is speaking about the same person on direct.

20 THE COURT: At this point in the record, no.  
21 Now, you want to bring it into the record that he is.

22 MR. KENNEY: I'm sorry, but my recollection is  
23 that that portion is already in the record and that he was  
24 talking that he saw only one person.

25 THE COURT: That's right.

1                   jkd4  
2                   MR. KENNEY: I think that is fairly clearly  
3                   established, on cross-examination as well, that he only  
4                   saw one person; that the other person never showed up, and  
5                   the only time he saw another person was on the day of  
6                   March 22nd, when there were two white men there.

7                   THE COURT: He is talking about a fellow not  
8                   showing up down here at Maiden Lane, South Street.

9                   MR. KENNEY: That's correct.

10                  THE COURT: Nobody showed up down here.

11                  MR. KENNEY: He keeps saying in his statements,  
12                  which was covered to some extent on cross-examination, that  
13                  the Italian dude never showed up or didn't show.

14                  THE COURT: And he hasn't tied that up as the  
15                  man he has identified as Mike McCloskey on the 22nd at  
16                  Secaucus, New Jersey.

17                  MR. KENNEY: No, I'm not saying that. I am  
18                  saying there is only person that he has seen. He hasn't  
19                  testified he saw two different people. I am saying --

20                  THE COURT: He has testified that he saw two  
21                  different people. He saw a man that his brother was talking  
22                  to in the lobby of the diner on the night of March 21st.

23                  MR. KENNEY: Well, your Honor, I think the  
24                  record --

25                  THE COURT: He then testifies that he saw Mike

jkd5

McCloskey the following day.

Mr. Martin's cross-examination did not go to the identification of Mike McCloskey on the second day. His cross-examination went to try to identify the man in the lobby of the diner, with no indication that the man in the diner was McCloskey on the second day.

MR. KENNEY: We think, your Honor, that the direct testimony -- and I would have to look at the record to be certain -- indicates that the witness thinks it is the same person.

But in any event, it has been obscured -- at least, we are entitled to inquire on redirect as to who this man was at the diner. And since that identification has been challenged and since this witness is going to testify that is the same person he saw the next day, we think we should be able to put in --

THE COURT: You see, the identification couldn't be challenged if on direct he never made an identification on the night of March 21st.

MR. KENNEY: My recollection is that he was saying it is the same person that he saw the following day.

THE COURT: Well, I think you are wrong, I think you are muddying the record, but if you want to do this, now propose what you want to do.



jkd6

1  
2 MR. KENNEY: Well, we want to have him identify  
3 the picture that he picked out of the spread on June 8,  
4 1973, and we have this spread of photographs here. We  
5 do not have the man who showed him the photographs, but we  
6 can have him tomorrow morning if the defense counsel  
7 request a hearing on that question.

8 If not, we will present the Court with the  
9 spread of photographs for ruling now, unless that isn't  
10 requested, either. Then we will just proceed with a single  
11 photograph.

12 THE COURT: Mr. Direnzo?

13 MR. DIRENZO: I would like to urge the following,  
14 if your Honor please:

15 Number one, Mr. Kenney is familiar, of course,  
16 with the 3500 material he gave us with reference to Paul  
17 Crawford. It is not in evidence. It is marked for identi-  
18 fication. But that very statement is very clear, as I see  
19 it. Number one, he is shown a photograph, apparently of  
20 McCloskey. He is shown that by a postal agent. And when  
21 this photograph is exhibited to him -- and if I am in error  
22 with reference to reading that statement -- the witness  
23 said, "It looks similar."

24 Didn't even say, "It's the man."

25 And it's followed by a statement by the postal

SOUTHERN DISTRICT COURT REPORTERS

UNITED STATES COURT HOUSE

FOLEY SQUARE, N.Y., N.Y. 10007 TELEPHONE: CORTLAND 7-4580



1 jkd7

2 officer that that is a photograph or that is Vincent  
3 McCloskey. That is number one.

4 Number two, he is attempting now to show a  
5 photograph as establishing prior identification. If I  
6 know anything about evidence, if I know a little bit, the  
7 basis for the receipt of such testimony is received on the  
8 theory that prior identification of the person has been  
9 made.

10 I submit that where there is prior identifi-  
11 cation of a photograph under these circumstances, and not  
12 the person, that is not a proper identification.

13 I go further, and I would invite the Court's  
14 attention to a leading case on the subject, not in the  
15 federal court, but in the state court, and I think it  
16 should be persuasive, and that is the case of People  
17 against Caserta, and there were other cases that followed  
18 it, citing the Caserta case with approval.

19 I would urge, further, that we could also use  
20 another basic concept in law and state that this would be  
21 basically hearsay and would not be admissible.

22 I state that to offer an identification of a  
23 photograph under these circumstances would do violence to  
24 the identification rule.

25 THE COURT: At the present time I am not going

1           jkd8  
2           to let you do it, Mr. Kenney. I will think about it over-  
3           night.

4                   MR. KENNEY: Your Honor, just to clear the  
5           record up, though, the document that Mr. Direnzo is refer-  
6           ring to is 3526, and on page 4 of that document it appears  
7           that a man named Monroe, who is a postal inspector, said,  
8           "Here is a picture spread of white males."

9                   Mr. Direnzo --

10                   THE COURT: He didn't show him one picture. He  
11           showed him the spread.

12                   MR. KENNEY: That's right.

13                   MR. DIRENZO: Follow it up, Mr. Kenney. Is  
14           the statement I made to the Court inaccurate?

15                   MR. KENNEY: Yes.

16                   MR. DIRENZO: Why?

17                   THE COURT: You indicated he showed him one  
18           photograph. He showed him a spread.

19                   MR. DIRENZO: Showed him a spread of photo-  
20           graphs, fine.

21                   THE COURT: Go ahead.

22                   MR. KENNEY: Do you wish me to read the rest of  
23           it?

24                   THE COURT: Yes.

25                   MR. DIRENZO: Yes.

1 jkd9  
2 MR. KENNEY: The witness, Paul Crawford, said,  
3 "Yes."

4 Mr. Monroe said, "Who did you recognize?"

5 And Paul Crawford said, "This man looks similar  
6 to the man who talked to Chester in the diner in New Jersey."

7 THE COURT: I think that may be enough, but  
8 I'm not worried about that right now. I am worried about  
9 the fact that the state of the record doesn't call for this.

10 MR. DIRENZO: I agree with your Honor.

11 THE COURT: And I want to read the record  
12 tomorrow morning, and you had better read it carefully, too.

13 MR. KENNEY: Yes, your Honor.

14 THE COURT: Because I don't think that there is  
15 any statement on the direct where Mr. Mike McCloskey is  
16 identified by the witness until March 22nd, and there is  
17 no indication that the man he saw on March 22nd in con-  
18 junction with the Secaucus operation was the man he says he  
19 saw speaking to his brother in the lobby of the diner the  
20 night before.

21 MR. KENNEY: Well, we will certainly wait  
22 until the record is typed and if that is the state of the  
23 record then perhaps --

24 THE COURT: That is all that Mr. Martin was  
25 cross-examining on. He never cross-examined the defendant.

1 jkd10

2 on the correctness of his identification on the 23rd.

3 MR. KENNEY: Would your Honor agree Mr. Martin  
4 has opened the area as to whom the man was that went into  
5 the diner?

6 THE COURT: Yes, but I think it is immaterial  
7 to to into it.

8 MR. KENNEY: If we should elicit that on  
9 redirect, we don't take the position, as we would if the  
10 record stood before cross-examination.

11 THE COURT: We will see what it looks like.

12 Do you have cross-examination, Mr. Hopper?

13 MR. HOPPER: No, I do not.

14 MR. DIRENZO: I would like to point out --

15 MR. HOPPER: I just wanted to make a point.

16 MR. DIRENZO: Go ahead. I'm sorry.

17 MR. HOPPER: Your Honor, isn't the bottom line  
18 on June 8th? Forget the diner or the next day or robbery  
19 or anything else -- the bottom line is that on June 8th  
20 he is uncertain.

21 THE COURT: Well, that is a question. That is  
22 for the jury. If he says "similar to," they can say that  
23 is sufficient or not -- it is not my function -- at that  
24 stage of the game.

25 All right, now who is your next witness,



1 Mr. Kenney?

2  
3 MR. DIRENZO: I want to make one other obser-  
4 vation for the record, if your Honor please.

5 THE COURT: Yes.

6 MR. DIRENZO: I anticipate your Honor's  
7 ruling to be adverse to me, but again, with reference to  
8 a witness who is on cross-examination, this is an instance,  
9 I say, where the United States Attorney should not have  
10 had the opportunity to discuss with him any of his testi-  
11 mony.

12 THE COURT: Well, I don't see how he can avoid  
13 doing that, Mr. Drenzo, if he is to properly prepare him-  
14 self for redirect examination.

15 MR. DIRENZO: Well, --

16 THE COURT: I just don't see how you can throw  
17 questions at a witness without having discussed them with  
18 him in advance, just as you wouldn't put a witness on the  
19 stand without knowing what he was going to say to you, and  
20 I think the rule is the same for the prosecution as it is  
21 for the defense in that area. We have gone over that and  
22 it is in the record.

23 Now, who is your next witness, Mr. Kenney?

24 MR. KENNEY: Inspector Dexter, D-e-x-t-e-r.

25 THE COURT: Bring the jury back.

(Jury present.)

THE COURT: Bring Mr. Dexter in.

MR. KENNEY: Your Honor, we would like to redirect Crawford now if we could. I'm sorry. I misunderstood the Court.

THE COURT: All right.

MR. KENNEY: We can leave other matters until tomorrow.

THE COURT: All right. Bring Mr. Crawford back.

P A U L C R A W F O R D, resumed.

THE COURT: You may proceed.

REDIRECT EXAMINATION

BY MR. KENNEY:

Q Mr. Crawford, directing your attention to your meeting with Mr. Rippy, which you testified to, I believe, on March 19th at night, did he say anything to you at that time that you haven't told this Court and jury?

MR. DIRENZO: Objected to, if your Honor please; not proper redirect.

THE COURT: Overruled.

A The only thing that he said was --

MR. DIRENZO: The question calls for a yes or no answer, I take it?

THE COURT: That's right.

Is there anything you left out so far after Mr. Hafetz' extensive cross-examination of you as to the conversation with Mr. Rippy?

THE WITNESS: Yes.

THE COURT: The answer is yes.

Q Would you tell us what it is?

MR. DIRENZO: Objection.

THE COURT: Overruled.

A The only statement said was that he said if he was me he would not come up here, but he didn't state why. He said, if I were you, man, I wouldn't go."

Q Did he say anything else when he said that?

A No, he didn't.

Q I show you page 2 of Vincent McCloskey's Exhibit B and I direct your attention to that line where my finger is on, and ask you to read it to yourself.

Now, would you put the exhibit down.

Does that refresh your recollection as to whether anything else was said?

A That's all I can remember.

(Continued on page 526.)

Tk6A pm  
Carroll

gtd

Paul Crawford-redirect

861a

526

Q I'm sorry, I couldn't hear the answer.

A That's all I can remember. He say --

MR. DIRENZO: Don't.

Q That's all you could remember?

A Yes, sir.

Q Now, when you made the statement of June 8th of 1973, you did not include in that statement the events which you have testified to today which have occurred on March 22nd--

MR. DIRENZO: Objected to, if your Honor please.

MR. MARTIN: I object to this, if your Honor please.

THE COURT: Overruled.

Q Is that correct?

A Yes, sir.

Q Now, referring to those events, you now have been granted immunity to testify with regard to them; is that right?

A Yes, sir.

Q And would you tell us again, directing your attention to the lot with the trailer on it, what men you saw at that lot on that day?

MR. MARTIN: I'm going to object to that.

MR. DIRENZO: Objected to, if your Honor please.

THE COURT: Sustained. Sustained.

A IT was --

THE COURT: Wait. I sustained the objection,



gtd2

P. Crawford-redirect

527

Mr. Crawford, so you don't answer the question.

Q You recall Mr. Martin asking you questions about being in a car at a diner on the 21st of March, the evening of the 21st of March, and he asked you --

MR. DIRENZO: Is that the question, your Honor? I was waiting for --

MR. KENNEY: I was waiting.

THE COURT: No, I don't think he finished the question.

MR. DIRENZO: I am sorry.

THE COURT: It is comma, and.

MR. KENNEY: No, it was a question.

Q Do you recall Mr. Martin asking you questions about a man whom you saw on March 21st at a diner in New Jersey?

A Yes, sir.

Q And do you know who that man was, now?

MR. DIRENZO: Objected to, if your Honor pleases.

THE COURT: Sustained. I thought this was a question we were going to reserve, Mr. Kenney.

MR. KENNEY: May we approach the bench, your Honor?

THE COURT: I thought we went through it while the jury was out for ten minutes.



1 THE COURT: He is trying to place the conver-  
2 sation, Mr. Martin.

3 Go ahead.

4 THE WITNESS: And Mr. Kenney came in and asked  
5 me a question. He told me I didn't have to answer it if I  
6 didn't want to and he asked me did I know anything about a  
7 robbery in Jersey.

8 THE COURT: All right.

9 Q Was this after you pleaded guilty in this case?

10 A Yes, sir.

11 THE COURT: And, for the record, when was that,  
12 Mr. Kenney?

13 MR. KENNEY: September 17, 1973.

14 Q Now, you testified that you saw a man who  
15 appeared to be Italian, is that right?

16 A Yes, sir.

17 MR. DIRENZO: Objection.

18 Q When was the last time you saw that man, if you  
19 saw him after the events you testified about?

20 MR. MARTIN: I am going to object to that, if  
21 your Honor please.

22 THE COURT: Overruled.

23 A He was picked up the same time and brought down  
24 here to Court.

1  
2 Q Well, from this moment right now, can you tell  
3 us how long has it been since you saw him the last time  
4 you saw him? Days, months, hours? How long has it been?

5 MR. DIRENZO: Objection. I object to that.

6 THE COURT: Overruled.

7 A It's been about a month, I'd say.

8 Q How long?

9 A I'm sorry. It's been about a month, I think.

10 THE COURT: A month.

11 Q And where did you see him?

12 MR. DIRENZO: Objected to, your Honor.

13 MR. MARTIN: I am going to object to that, your  
14 Honor.

15 THE COURT: Overruled.

16 A I seen him downstairs.

17 Q Did you see him today?

18 A Yes.

19 Q Where?

20 A Down --

21 MR. DIRENZO: Can I have a continuing line of  
22 objection to this, your Honor?

23 THE COURT: You may.

24 MR. DIRENZO: Thank you.

25 THE COURT: Go ahead.



1                   A       He is locked up downstairs.

2                   Q       The same place you were, is that right?

3                   A       Yes, sir.

4                   Q       Mr. Hafetz asked you about a payroll truck  
5 robbery in New Jersey.

6                   MR. MARTIN: I'm going to object to the  
7 emphasis, if your Honor please. This was covered in direct  
8 examination. I think for the United States Attorney to  
9 continuously sum up is very prejudicial to the defendants.

10                  THE COURT: I don't think it is a summation.  
11 I think it is merely putting a reference to the question  
12 that is going to come, Mr. Martin.

13                  MR. MARTIN: I think it is prejudicial, your  
14 Honor.

15                  THE COURT: Go ahead, Mr. Kenney.

16                  MR. DIRENZO: I am waiting for the question.

17                  Q       Do you recall being asked about a payroll truck  
18 robbery on cross-examination?

19                  A       Yes, sir.

20                  Q       And was there a payroll truck robbery?

21                  MR. MARTIN: Objected to, if your Honor please.

22                  MR. DIRENZO: Objection.

23                  THE COURT: Sustained.

24                  MR. KENNEY: Your Honor, I am trying to elicit  
25

1 the facts of the robbery on the 22nd which I think have  
2 been obscured by cross-examination.

3 THE COURT: I am sorry. You brought it out on  
4 direct. It is improper redirect.

5 MR. KENNEY: The point is, your Honor --

6 THE COURT: Mr. Kenney, I ruled.

7 MR. KENNEY: There is no testimony --

8 THE COURT: I have ruled, Mr. Kenney.

9 MR. KENNEY: Your Honor, there is no testimony --

10 THE COURT: Mr. Kenney!

11 MR. KENNEY: I have no further questions.

12 THE COURT: You may step down.

13 (Witness excused.)

14 THE COURT: Next witness.

15 MR. KENNEY: Inspector Dexter.

16 G E R A L D D E X T E R, called as a witness by the  
17 government, having first been duly sworn, was  
18 examined and testified as follows:  
19

20 DIRECT EXAMINATION

21 BY MR. KENNEY:

22 Q What is your occupation, Mr. Dexter?

23 A I'm employed as a postal inspector.

24 Q How long have you been so employed?

25 A A little over two years.

SOUTHERN DISTRICT COURT REPORTERS

UNITED STATES COURT HOUSE

FOLEY SQUARE, N.Y., N.Y. 10007 TELEPHONE: CORTLAND 7-4580

Q Directing your attention to June 13, 1973, did you see a Mr. Robert Rippy on that day?

A Yes, I did.

Q And would you tell us where you saw him?

A At Lorton, Virginia.

Q Did you have anyone with you?

A Yes, another postal inspector, Ronald Luker.

Q And did you have a conversation or was there a conversation with Mr. Rippy at that time?

A Yes, there was.

Q And would you tell us what Mr. Rippy said to you and what you or Mr. Luker said to Mr. Rippy?

MR. MARTIN: If your Honor please, may I object as to its admission against the defendant McCloskey.

THE COURT: It is taken subject to connection.

Go ahead.

A Well, Mr. Rippy told Inspector Luker and myself that on March --

MR. DIRENZO: One minute, if your Honor please.

THE COURT: Yes.

MR. DIRENZO: What was the date of this conversation?

THE COURT: June 17, 1973.

MR. KENNEY: June 13, 1973.

1 THE COURT: June 13. I'm sorry.

2  
3 MR. DIRENZO: I want to offer an objection, if  
4 your Honor pleases, to receipt of this on a similar ground  
5 we offered the other day. This was subsequent to the com-  
6 mission of this alleged crime.

7 THE COURT: I will see counsel at the bench.

8 (At the bench.)

9 MR. KENNEY: This is a copy of the statement.  
10 (handing).

11 MR. DIRENZO: Do we have that?

12 MR. KENNEY: Yes.

13 MR. MARTIN: Do we have it?

14 MR. KENNEY: Yes. It has been turned over as  
15 3500 material.

16 MR. DIRENZO: I don't think so. I have nothing  
17 on Dexter. I have no 3500 material on Dexter.

18 MR. KENNEY: I am sorry, your Honor. There it  
19 is (handing).

20 MR. MARTIN: We have nothing on this.

21 THE COURT: Why is this marked Government Exhibit  
22 2?

23 MR. KENNEY: Yes. We had a Miranda hearing on  
24 this, your Honor.

25 (Pause.)



1  
2 MR. DIRENZO: What was the ruling on the Miranda  
3 hearing? Was it acceptable?

4 MR. KENNEY: Yes.

5 THE COURT: Yes. I had the Miranda hearing.  
6 What is the objection?

7 MR. DIRENZO: My objection to this, if your  
8 Honor please, is it is subsequent to the termination of the  
9 conspiracy and the robbery and as such should not be  
10 admissible in this case.

11 If this witness were on trial, it would be some-  
12 thing else.

13 THE COURT: What is your Bruton problem?

14 MR. KENNEY: There isn't any.

15 THE COURT: Why?

16 MR. KENNEY: Because it doesn't inculcate any-  
17 one in the statement other than the defendant Rippey against  
18 whom this is an admission and people who pleaded guilty in  
19 the case.

20 MR. DIRENZO: Under those circumstances, if your  
21 Honor please, it is so closely intertwined, I say it would  
22 do violence to the other defendants and if --

23 THE COURT: I will reserve decision on it. I  
24 think it is close myself.

25 MR. DIRENZO: And I move for a severance at this

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

gtd10a

Dexter-direct

871a

535a

point.

MR. KENNEY: All right, we will call this man  
in the morning and we will give your Honor a case in the  
morning on this which I think will be controlling.

THE COURT: All right, fine.

(Continued on page 536.)

B  
foll.

(In open court.)

THE COURT: You may step down, Inspector  
Dexter.

(Witness temporarily excused.)

MR. KENNEY: The Government's next witness would  
be Terrence Dewey Myers, and we will require a very  
short recess before we call him.

THE COURT: The jury will have a five-minute  
recess so we can take care of a legal matter.

(The jury left the courtroom.)

THE COURT: Mr. Mogel, are you the attorney?

MR. MOGEL: Yes, your Honor.

THE COURT: Come up, please.

Have you spoken to Mr. Myers?

MR. MOGEL: Yes, your Honor. 'I have spoken  
to Mr. Myers regarding Indictments 73 Criminal 855  
and 73 Criminal 972.

Mr. Myers will waive his Fifth Amendment rights  
to the events in those two indictments. However, as to  
any events relating to the alleged March 22nd robbery,  
he will invoke his Fifth Amendment privileges.

THE COURT: Mr. Myers, did you just hear what  
Mr. Mogel, your attorney, said?

DEPENDANT MYERS: Yes, sir.

THE COURT: And do you agree with what he said?

DEFENDANT MYERS: Yes, sir.

THE COURT: And you assert your Fifth Amendment privilege to any questions regarding the activities that occurred in Secaucus, New Jersey, on March 22, 1973?

DEFENDANT MYERS: Yes, sir, I will.

THE COURT: I will now sign an order granting you immunity from any prosecution for your testimony here regarding the events that occurred on March 22, 1973, at the Plaza National Bank in Secaucus, New Jersey.

Have you told the witness about use of immunity?

MR. MOGEL: Yes, your Honor, and I have reviewed a draft copy of the order with Mr. Myers.

THE COURT: And you understand that, Mr. Myers?

MR. MYERS: Yes, sir, I do.

THE COURT: All right.

All right, bring the jury back.

MR. MOGEL: Your Honor, may I approach the bench on a matter unrelated to this matter?

THE COURT: Yes.

(Pause.)

THE COURT: Bring the jury back.

MR. KLEMPNER: I assume you want me back in the morning if the matter of the photographs is gone into?



THE COURT: Oh, yes.

(Jury present.)

MR. DIRENZO: Your Honor, we have to approach the bench.

THE COURT: All right.

(At the bench.)

MR. DIRENZO: I am informed that on the day that some pleas were taken --

Is that the correct time?

MR. HOPPER: Yes.

MR. DIRENZO: -- there was someone --

May we have this witness excused for a minute?

THE COURT: Would you mind stepping outside, please, Mr. Myers?

(Defendant Myers left the courtroom.)

MR. DIRENZO: On the day that the pleas were taken, someone, whoever he is -- I don't know offhand -- was saying to him, Carroll, McCloskey, naming each of the defendants, and as I understand it, to suggest to him what the names of the various defendants were or the identification of --

THE COURT: Who is this person?

MR. HOPPER: I can tell you who the person is.

THE COURT: Who?

MR. DIRENZO: I didn't know this.

MR. HOPPER: I know because I was the one who saw it happen. His lawyer was sitting next to him.

THE COURT: Mr. Mogel?

MR. HOPPER: Yes.

I am telling you what happened, what I saw.

We had the L-shaped railing. He was sitting all the way over in the far corner over here, his lawyer was sitting next to him. He pointed in the direction of the number one man and said Carroll and Myers said right; he said Turner, he said right; he said McCloskey, right. He went right down the line.

MR. KENNEY: It sound to me like the defendant was informing the lawyer as to who the people were.

THE COURT: Let us get Mr. Mogel here. Let us clarify it.

Come over here, Mr. Mogel.

MR. DIRENZO: If there is any question, we should have a hearing.

THE COURT: I will just take Mr. Mogel's word right here.

MR. DIRENZO: You want to know something? I will, too.

THE COURT: Mr. Mogel, it is claimed that you

1 identified the defendants to the witness at the time these  
2  
3 pleas were taken on September 17th. In other words,  
4 the suggestion is that your client did not know who  
5 the co-defendants were and that you were pointing them  
6 out to him. Is that correct?

7 MR. MOGEL: No, that is not correct, your  
8 Honor.

9 THE COURT: Okay.

10 Bring the witness back.  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

12/13/73  
PM T-60

attach 1

Myers-direct

877a

391

(In open court; jury present.)

TERRENCE DEWEY MYERS,

called as a witness by the Government, being first  
duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. KENNEY:

Q Mr. Myers, where are you from?

A Washington, D.C.

Q And what is your home address?

A 135 Kennedy Street, Apartment 207, Northwest.

Q Do you recall your telephone number?

A 829-7657.

Q You have pleaded guilty to second degree  
murder in this case, isn't that right?

A Yes, I have.

Q And do you know what the maximum penalty you  
could receive would be?

A Life.

Q Has the Government promised you anything with  
regard to that plea?

A No, sir.

Q Isn't it a fact that the Government has prom-  
ised you that they will dismiss the open counts in  
the indictment at the time of your sentence?



1  
2 A You mean the remaining two counts?

3 Q That's correct.

4 A I believe the Judge did that.

5 THE COURT: No.

6 MR. KENNEY: I think he is a better lawyer  
7 than I am, your Honor.

8 Q Isn't it a fact that the Government will not  
9 oppose the Judge dismissing the two counts?

10 A Right.

11 Q And hasn't the Government told you at the time  
12 of your sentence they will call whatever cooperation  
13 you might give to the Judge's attention?

14 A Right.

15 Q Have you signed a letter of agreement with  
16 the Government?

17 A Yes, I did.

18 MR. KENNEY: Mr. Martin, may I see that exhibit?

19 I have the original of McCloskey's Exhibit A  
20 and with the Court's permission I will use this.

21 THE COURT: All right.

22 Q Will you take a look at this original of  
23 McCloskey's Exhibit A, Vincent McCloskey's Exhibit A  
24 (handing).

25 Now, I show you what has been marked as

Government's Exhibit 6 for identification.

Can you identify that?

A Yes, I can.

Q Will you tell us what it is?

A This is the agreement that was signed concerning this trial and the murder 2 plea between you, myself and my lawyer.

Q And is Government's Exhibit 6 for identification exactly the same as McCloskey's Exhibit A, except for the name of the lawyer and the name of the defendant?

A Yes, it is.

Q Mr. Myers, you have been convicted of possession of marijuana in the District of Columbia, is that correct?

A Yes, I have.

Q And you have not been sentenced on that case, have you?

A No, I have not.

Q Do you know what the maximum sentence you could receive on that case would be?

A I believe five years.

Q And do you have any agreement with the Government in connection with this case covering that case?

A No, sir.

Q You have been told that you will not be pros-

ecuted for a robbery which occurred on March 22, 1973,  
is that correct?

A Right.

Q Is that the robbery which occurred in Secaucus,  
New Jersey?

A Yes, it is.

MR. DIRENZO: I object to the form of that  
question, your Honor.

THE COURT: Overruled.

Q Do you know a man named Robert Rippy?

A I know him now.

Q And do you see him in the courtroom?

A Yes, I do.

Q Will you point out which man he is?

A The gentleman with the blue shirt on  
(indicating).

THE COURT: Identification?

MR. HAFETZ: I concede the identification.

Q When did you first meet Mr. Rippy?

A I have never really met him.

Q Have you ever talked to him?

A No, I haven't.

Q Did you ever go to his house?

A If you mean concerning the house in Washington,

D.C., I believe I told you that I could not positively identify that man and I still can't.

Q So you don't recall -- do you recall the name of the man you spoke to in Washington, D.C.?

MR. DIRENZO: Objected to, your Honor.

THE COURT: Overruled.

A He told me his name was Bob or Bobby.

MR. HAFETZ: Your Honor, I am going to move to strike the identification. I believe he said he can't make a positive identification.

Is that the testimony?

THE COURT: No, the name we are talking about, not the face.

Q And can you tell us where Bobby lived?

MR. DIRENZO: Objected to.

THE COURT: Overruled.

A The street that he lived on was the first right going on North Capital Street, in Washington, D.C.

Q Did you have occasion to go to Bobby's house in March of 1973?

A Yes, I did.

MR. DIRENZO: Objected to, your Honor.

THE COURT: Overruled.

A Yes, I did.



1  
2 THE COURT: I will take it subject to connection  
3 on the verification of the address.

4 Q And do you remember what day you went there?

5 A The 19th of March.

6 Q And did you at that time have a conversation  
7 with this man, Bobby?

8 A Yes, I did.

9 Q And would you tell us what he said to you and  
10 what you said to him?

11 MR. DIRENZO: May I have a continuing line of  
12 objection?

13 THE COURT: We do.

14 MR. KENNEY: We offer this subject to connection,  
15 your Honor.

16 THE COURT: I understand that.

17 A He told me that he wanted me to come to New York  
18 and meet some people concerning a job that concerned  
19 approximately three hundred thousand dollars.

20 Q Did he tell you anything else?

21 A No, he didn't.

22 Q I show you 3528 for identification and I  
23 direct your attention to the first page of that exhibit --

24 MR. MARTIN: If your Honor please, I would  
25 like to object to this method of procedure.

THE COURT: Why?

MR. MARTIN: Because the witness hasn't indicated that he doesn't remember anything. He doesn't need his recollection refreshed.

THE COURT: Overruled.

Q Would you read that paragraph which I am indicating to you to yourself?

Does that refresh your recollection as to whether he said anything else to you?

MR. MARTIN: If your Honor please, I would like to renew my objection at this point, because there is no basis or foundation for the fact that the witness needed recollection refreshed and I would like the record to show, if your Honor please, that the witness has just read from a typewritten statement.

THE COURT: You didn't ask him if he said anything else, Mr. Kenney.

Rk 7pm

Carroll

xyy?

1 jkd

Myers-direct

884a

548

2 Q Was anything else said that you can recall --

3 MR. KENNEY: May I withdraw that?

4 Q Do you have any recollection whether Bobby said  
5 anything else to you on March 19, 1973?

6 A Yes, he did.

7 MR. HAFET: I am going to object on the ground  
8 that the statement was used improperly. There was no  
9 statement by the witness that a prior written statement or  
10 some paper which Mr. Kenney was going to hand him in any  
11 way would refresh him. I don't think it is a proper use  
12 of the statement.

13 THE COURT: Overruled.

14 Q Would you tell us what else Bobby said to you?

15 MR. MARTIN: If your Honor please, just for the  
16 sake of the record, I would like to also move, to say that  
17 the prosecutor is bound by the witness' original answer as  
18 given.

19 THE COURT: Overruled.

20 Q Would you tell us what else Bobby said to you  
21 on that day?

22 A He told me that the people I would be meeting  
23 was part of a family, and also that he had someone else for  
24 me to meet that would be taking me up there to introduce me  
25 to the right people, and also for whatever I was going to

1 meet them for, all of the details had already been worked  
2 out.  
3

4 MR. DIRENZO: Additional objection; move for  
5 a mistrial, your Honor.

6 THE COURT: Overruled.

7 MR. DIRENZO: Motion denied, I take it?

8 Q Did anything else happen while you were at  
9 Bobby's house?

10 A He asked me would I be interested in going to  
11 meet him.

12 Q And what did you say?

13 A I told him I would.

14 Q Did you do anything else why you were at the  
15 house that evening?

16 A No, I didn't.

17 Q Did you receive anything?

18 A I received some money from him.

19 Q And how much money did you receive?

20 A \$500.

21 Q And after you received that money did you leave  
22 the house?

23 A Yes, I did.

24 Q Did there come a time when you returned to that  
25 same house?



1 A Early the next morning, on the 20th.

2 Q And when you got there, was there anyone there?

3 A Yes, there was.

4 Q Who was there?

5 A A gentleman by the name of Paul Crawford.

6 Q Was there anyone else there?

7 A The same person, Bobby.

8 Q Did you have a conversation that time?

9 A Very short one, but it was a conversation.

10 Q Can you recall what was said?

11 A He told me that Paul would be able to tell me  
12 everything I wanted to know and show my every place I had  
13 to go, take me where I had to go in New York, and that I  
14 was more or less in his hands.

15 Q And did either you or Paul receive anything  
16 on that occasion?

17 A He gave me 50 or 60 dollars for travelling  
18 expenses.

19 Q Did you leave the house at that time?

20 A Yes, I did.

21 Q And where did you go?

22 A I came to New York.

23 Q And who went with you?

24 A Paul Crawford.

jkd

Myers-direct

Q Do you recall where you went in New York?

A The first place we stopped was in upper Harlem.

Q What did you do when you stopped in upper Harlem?

A I didn't do anything. Paul got out of the car and made several phone calls.

Q Did you go anyplace from there?

A From there we went to a place called Williamsburg.

Q When you reached Williamsburg did you meet anyone?

A After waiting a certain amount of time we did.

Q And who did you meet?

A His brother, Chester Crawford.

Q When you met Chester Crawford, did you have a conversation with him?

A Yes, I did.

Q Would you tell us what was said in that conversation?

A Well, he introduced himself and told me that Paul was his brother and told me that he was working for a family or a syndicate or something.

MR. DIENZO: Same motion, if your Honor please.

THE COURT: Overruled.

SOUTHERN DISTRICT COURT REPORTERS

UNITED STATES COURT HOUSE

FOLEY SQUARE, N.Y., N.Y. 10007 TELEPHONE: CORTLAND 7-4580

jkl

Myers-direct

1 A And that they had a hold-up that they wanted  
2 to try and pull off and they needed somebody from out of  
3 town that wasn't known, because all the people in their  
4 organization either their faces were known or they either  
5 had charges in court and they were hot, so they couldn't  
6 afford to be caught or seen.  
7

8 Q Was there anything else said in the conver-  
9 sation when you were in Williamsburg?

10 A He mentioned certain general facts like how  
11 much money they thought was on the truck, that it was a  
12 truck that was to be held up, and that they had inside  
13 information about the route of the truck, the time, the  
14 schedule of the truck, etc., etc.

15 Q Did you go any place from Williamsburg?

16 A I don't know whether we was in Williamsburgh  
17 or not, but he drove down to a district under an elevated  
18 highway off of South Street. I don't know what district  
19 that is.

20 Q And when you reached that area, was Paul still  
21 with you?

22 A Yes, he was.

23 Q Did you do anything?

24 A Chester drove around in that immediate vicinity  
25 and told me this was the general location of where the truck

came and stopped at. He didn't show me anything specific. He gave me a few more details about it, that it was a mail truck, the approximate time schedule at that time, but he didn't give me the exact time schedule and told me about other things might be on the truck, like bonds or registered mail, but mostly just general information.

Q Did there come a time when you left that area of New York?

A Yes, we did.

Q If I may go back, when you were by South Street whose car were you in?

A Chester Crawford's.

Q And where was your car?

A We left my car parked in Williamsburg.

Q When you left the South Street area of New York where did you go?

A We went back to Williamsburg to pick my car up.

Q Where did you go after you picked your car up?

A We went through the Holland Tunnel to a Holiday Inn.

Q Who was with you when you went to the Holiday Inn?

A Paul Crawford.

Q Was Chester with you?



1  
2 A No, he wasn't.

3 Q Did you do anything else after you arrived at  
4 the Holiday Inn that evening?

5 A Well, we checked in and I went across the  
6 street to get something to eat, you know, for dinner, and  
7 later on that night I made a phone call.

8 Q Could you try to keep your voice up just a  
9 little bit? I am having trouble hearing you back here.

10 You were saying that you made a phone call?

11 A Right.

12 Q And after you made that phone call -- well,  
13 where did you make that phone call to?

14 A I called to a residence in Washington, D.C.

15 Q I'm sorry, I couldn't understand.

16 A I called to a residence in Washington, D. C.

17 Q And who did you call?

18 A A friend of mine by the name of Geoffrey Mann.

19 Q And would you tell us as best you can recall  
20 what you said to Mann and what he said to you?

21 A I just told him I was in New York and I was at  
22 the Holiday Inn right off the Holland Tunnel and that I had  
23 something that I thought I needed some help with.

24 Q And did he say anything to you?

25 A He said he'd be up.

Q Did you do anything else that evening?

A After I ate, no. I just stayed home.

Q What day of the week was that?

A This was the 20th.

Q Do you remember the day?

A I can't remember the day.

MR. KENNEY: Would your Honor take judicial notice that it was Tuesday?

THE COURT: I will.

Q Would you tell us what you did on the next day, the 21st?

A On the 21st I was still waiting for Geoffrey Mann to arrive, and it seems he had gotten into some trouble in New Jersey, so we had to wait a little longer than expected, and after he got there, we drove both of our cars back over to Williamsburg to meet Chester Crawford again.

Q When you went to Williamsburg, who went with you on this occasion?

Geoffrey Mann, Paul Crawford and myself.

Q Did you meet anyone at Williamsburg?

A Yes, we did.

Q And who did you meet there?

A Chester Crawford.

Q Now, did you have a conversation on that

occasion?

A Yes, we did.

Q And would you tell us now where that conversation was, where were you physically when you were talking to each other?

A Physically we were in Chester Crawford's car. We had parked both of ours.

Q And would you tell us the best you can recall what was said on that occasion?

A Chester introduced himself to Geoffrey and more or less went over, told him the same thing that he had told me the day previously about this hold-up, gave him more or less the same facts, and he drove down into the same area; I would imagine gave him also an idea of the location.

Q When you reached that area, what did you do?

A We rode around for a little while, and he also parked for a little while, about five, ten minutes.

Q What time of day is it at this point?

A I'd say between 5:30 and 6:00 o'clock.

Q And would you tell us what you did after that time?

A After this, we rode -- we went back to Williamsburg to get both the cars. Then we rode over to New Jersey.

Q When you went to New Jersey, where did you go, if you know?

A We parked outside of a tavern.

Q And how many cars did you have with you at this point?

A At this point it was Chester's car, my car and Geoffrey Mann's.

Q And did you get out of your car?

A After waiting for Chester Crawford a little while, yes, I did.

Q And what did Chester Crawford do, what did you see him do?

A Chester went inside the tavern.

Q How long was he inside the tavern?

A I'd say about ten minutes.

Q When he came outside, what did you do?

A He told me to come with him and he took me back inside the tavern.

Q And when you went inside the tavern, did you meet anyone?

A Yes, I did.

Q Who did you meet?

A Tommy.

Q And do you know his last name?



2 A I know it now; didn't know it then.

3 Q Do you see him in the courtroom?

4 A Yes, I do.

5 Q Point him out, please.

6 (Witness indicated.)

7 THE COURT: Brown suit, striped shirt?

8 THE WITNESS: Wearing glasses, long hair.

9 THE COURT: Identification conceded,

10 Mr. DiRanzo?

11 (No response.)

12 Q And does he appear ---

13 THE COURT: Wait. Is the identification  
14 conceded?

15 MR. DIRANZO: What color suit did he mention,  
16 your Honor?

17 THE COURT: Brown suit, striped shirt, glasses,  
18 long hair.

19 MR. DIRANZO: Except the defendant Carroll is  
20 wearing a gray suit, your Honor.

21 THE COURT: He is. Well, it is a gray suit.

22 MR. KENNEY: May the witness come and point out  
23 who he is talking about?

24 THE COURT: Is that the gentleman you are talking  
25 about, sitting behind the gentleman with the blue shirt and

kd

Myers-direct

895a

559

the blue suit; is that the gentleman who took his glasses off?

THE WITNESS: It looks like a gray suit to me. He has on a yellow-blue-red striped tie. He has long hair, semi-beard, and mustache, and glasses in his hand.

MR. DIRINZO: The record will now disclose that he has identified the defendant Carroll.

Q Does Tommy Carroll appear any different today than he did when you met him in the tavern?

A Well, he is a lot more meticulous about his looks.

Q Is there any difference in his appearance, though?

A Yes, it is.

Q Would you tell us what it is?

A Well, on prior occasions that I have seen him, he was always very casually dressed.

Q Did he have a beard when you saw him before?

MR. DIRINZO: Object to the line of questioning, your Honor.

THE COURT: Overruled.

MR. DIRINZO: Respectfully except.

A No, he didn't.

Q Would you tell us how his hair was combed when

you saw him the first time?

A Well, it wasn't that long, less combal, just combed back, you know, like he pushed it back.

Q And now, did you meet anyone else inside the tavern?

A That night, no, I didn't.

Q Did you have a conversation with anyone while you were in this tavern?

A Yes, I did.

Q Who did you have a conversation with?

A Tommy.

Q And was there anyone else present?

A Not in the immediate vicinity, no.

Q Where was Chester at this time?

A Chester was more or less at the bar.

Q Would you tell us what you said to Carroll and what he said to you, if you can recall?

A Tommy told me more or less the same thing that Chester had told me, only went into it in a little more detail. He told me that they had a mail truck they had been watching for about six months, and they knew it was a large amount of money on it, also the possibility of negotiable bonds and also there was registered mail on it, but they didn't know what that was. He also told me that

jad

Myers-direct

897a

101

whatever was on the truck besides money, they had somebody who could handle it or get some type of value off of it. He told me that he had got the information from a guard or the guard -- I'm still not sure on that -- but they had the whole route, the whole time schedule; they knew every place the truck would be, they just had the whole set-up, and he also told me that the reason they couldn't do it was because their faces were hot and they were known for this type of operation and they needed somebody from --

MR. DIRENZO: Objected to, if your Honor please.

THE COURT: He is repeating a conversation which he says your client had with him.

MR. DIRENZO: I recognize that, your Honor. I am still objecting to it and moving for a mistrial.

THE COURT: Objection overruled. The motion for a mistrial is denied.

MR. DIRENZO: May I be heard at the termination of today's court session, if your Honor please, in the absence of the jury?

THE COURT: You may.

Go ahead, Mr. Kenney.

Anything else of the conversation?

Q You were telling us what was said in the conversation you had with Tommy Carroll in the tavern.



1 A Right.

2 Q Would you tell us if anything else -- do you  
3 recall anything else being said?

4 A Well, like I say, he more or less said they  
5 needed somebody with a face that wasn't known in New York.

6 Q Did anything else happen while you were inside  
7 this tavern?

8 A Nothing that amounted to anything.

9 Q Did you leave the tavern?

10 A Yes, I did.

11 Q Did anyone leave with you?

12 A Chester Crawford.

13 Q Where did you go when you left?

14 A Chester Crawford took us to a motel on Route 1,  
15 I believe, the Lincoln Motel.

16 Q When you say took us, who did he take to the  
17 motel?

18 A Myself and Geoffrey Mann.

19 Q What car did you go to the motel in?

20 A Took all three of them.

21 Q Would you tell us where Paul Crawford was at  
22 this time?

23 A Well, Paul Crawford went to the motel with us,  
24 but he left with Chester.  
25

Q Did Chester leave you at the motel?

A Yes, he did.

Q And did you stay at that motel that night?

A Yes, we did.

THE COURT: I think this is a point to suspend for the day.

We will resume tomorrow morning at 10:00 o'clock.

Now, I want to tell the jury that it has come to my attention that there have been several articles in the newspapers reporting on the trial which you are listening to, and I must tell you, you are not to read those articles and you are, if possible, not even to read the newspapers, and you are not to let anybody talk to you about this case.

It is very important to follow these directions during the remainder of this trial.

You are excused until tomorrow morning at 10:00 o'clock.

(Jury left the courtroom.)

THE COURT: You may step down.

(Witness left the courtroom.)

THE COURT: Mr. Mogel, we will see you tomorrow morning at 10:00 o'clock.

MR. MOGEL: Yes.

(Mr. Mogal left the courtroom.)

THE COURT: Yes, Mr. Direnzo?

MR. DIRENZO: The motion, if your Honor pleases, is for a mistrial, and I recognize why your Honor received that particular testimony in evidence, to wit, that this "I am known for this," or "I am hot for this type of an operation," which definitely would leave with this jury the fact that Mr. Carroll is probably a hijacker or a stick-up man. Normally I could have no real objection to something like that, but, I think under these circumstances, recognizing the very prejudicial effect that something like this would have against the defendant, with this jury, and the prosecutor knowing -- and I think we have a reason to assume that he knew in advance that this witness was so going to testify -- I think should have at least alerted the Court and ourselves so that he might have been cautioned to instruct this witness to leave that portion of the testimony out if we felt or the Court felt the prejudicial effect might be far more harmful than the probative value that he deems by it.

THE COURT: Well, I think this is different than the type of situation you are talking about.

Here is a man reciting what he claims were the words used by a defendant to him, and I see no reason to prevent the jury from hearing those words.

U.S. COURT OF APPEALS:SECOND CIRCUIT

Index No.

• U.S.A.,

Appellee,

against

Affidavit of Personal Service

CARROLL, et al,

Defendants-Appellants.

STATE OF NEW YORK, COUNTY OF NEW YORK

ss.:

I, James Steele, being duly sworn,  
deposes and says that deponent is not a party to the action, is over 18 years of age and resides at

250 West 146th Street, New York, New York

That on the 10th day of June 1974 at Foley Square, New York

deponent served the annexed

*Appellants Brief*

upon

Paul J. Curran-U.S. Attorney Southern District-Attorney for Appellee

the in this action by delivering <sup>2</sup> true copy <sup>its</sup> thereof, to said individual  
personally. Deponent knew the person so served to be the person mentioned and described in said  
papers as the Attorney(s) herein,

Sworn to before me, this 10th

day of

June

1974

*James Steele*

Print name beneath signature

JAMES STEELE

ROBERT T. BRIN

NOTARY PUBLIC, STATE OF NEW YORK

NO. 31 - 0418950

QUALIFIED IN NEW YORK COUNTY

COMMISSION EXPIRES MARCH 30, 1975



